#### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA **NORTHERN DIVISION**

In the Matter of:	
	) Case No. 06-31560
ARTHUR T. FLOWERS, JR.	)
	)
Debtor	) Chapter 13
FIA CARD SERVICES, N. A.	) ) AP No. 07-03009 )
Plaintiff/Appellant v.	) ) )
ARTHUR T. FLOWERS, JR.,	)
Defendant/Appellee	)

#### **DESIGNATION OF THE RECORD ON APPEAL**

NOW COMES the Defendant/Appellee Arthur T. Flowers, Jr., by and through counsel and hereby designates the following pleadings, transcripts and exhibits as the Record of Appeal and requests that the same be transmitted to the United States District Court for the Middle District of Alabama:

BANKRUPTCY OR ADVERSARY	PLEADING DESCRIPTION	PLEADING DOCUMENT NUMBER (IN NUMERICAL ORDER, STARTING WITH LOWEST DOCKET NO.)	PLEADING FILE DATE
Adversary	Complaint	1	2/12/2007
	Answer to Complaint	6	3/5/2007
	Order Setting Scheduling Conference	7	3/7/2007
	Discovery Response by FIA	13	4/10/2007
	Answer to Counterclaim	14	4/10/2007
	Order Setting Trial Date Scheduling Order	15	4/10/2007

Response to Plaintiff's First Request for Admissions	16	4/11/2007
Response to Plaintiff's First Request for Admissions (Amended	17 I)	4/11/2007
Response to Plaintiff's First Set of Interrogatories & Production	18	4/11/2007
Affidavit on Responses to Admissions	19	4/12/2007
Affidavit on Interrogatories/Production	20	4/12/2007
Motion for Summary Judgment With Exhibits A, B, C, D	22	6/05/2007
Order	23	6/07/2007
Response to Motion for Summary On behalf of FIA Card Services	25	6/19/2007
Notice of Telephone Hearing	27	7/23/2007
Transcript of Telephone Hearing		8/14/2007
Order to Continue Trial	29	8/20/2007
Memorandum/Opinion	30	9/26/2007
Order Granting Motion for Summary Judgment	31	9/26/2007
Order Granting Attorney Fees	32	9/26/2007
Notice of Appeal	33	10/08/2007

WHEREFORE, premises considered, the Defendant/Appellee respectfully request this Court to include all of the above referenced items in the record on appeal.

Dated: 10-24-07

> /s/ Gail Donaldson Gail Donaldson Bradford W. Botes Bond, Botes, Shinn & Donaldson, P.C. Attorneys for the Defendant/Debtor

Arthur T. Flowers, Jr.

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have on this 24th day of October, 2007, served a copy of the foregoing Appellee Designation of Contents for Inclusion in Record on Appeal on Barry Friedman, Barry Friedman & Associates, 257 St. Anthony Street, P.O. Box 2394, Mobile, AL 36652, Attorney for FIA Card Services, N.A. via electronic noticing.

> /s/ Gail Donaldson Attorney for Defendant 400 South Union Street Suite 230 Montgomery, AL 36104 Phone (334) 264-3363 fax (334) 264-3340 GDonaldson@bondnbotes.com

	ADVERSARY PROCEEDING NUMBER
ADVERSARY PROCEEDING COVER SHE	<b>ET</b>
(Instructions on Reverse)	
PLAINTIFFS	DEFENDANTS
FIA Card Services, N.A.	ARTHUR T FLOWERS, JR.
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known)
Barry Friedman	Gail Donaldson
Barry Friedman & Associates	Bond, Botes, Shinn, & Donaldson, P.C.
257 St. Anthony Street, P.O. Box 2394	400 South union Street, Suite 230
Mobile, AL 36652	Montgomery, AL 36104-4302
251-439-7400	334-264-3363
PARTY (Check One Box Only)	PARTY (Check One Box Only)
□ Debtor □ U.S. Trustee/Bankruptcy Admin	□ U.S. Trustee/Bankruptcy Admin
☐ Debtor ☐ O.S. Trustee/ Bankruptcy Admin	☐ Creditor ☐ Other
☐ Trustee	☐ Trustee
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF C	AUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)
Claim for Nondischargeability of Debt pursuant to § 523(a)(2)	
NATU	RE OF SUIT
(Number up to five (5) hoxes starting with the lead cause of ac	tion as 1, first alternative cause as 2, second alternative cause as 3, etc.)
FRBP 7001(1) - Recovery of Money/Property	FRBP 7001(6) – Dischargeability (continued)
☐ 11- Recovery of money/property - §542 turnover of property	☐ 61- Dischargeability - §523(a)(5), domestic support
☐ 12- Recovery of money/property - §547 preference ☐ 13- Recovery of money/property - §548 fraudulent transfer	☐ 68- Dischargeability - §523(a)(6), willful and malicious injury ☐ 63- Dischargeability - §523(a)(8), student loan
13- Recovery of money/property - 9348 Hauddlent transfer	64- Dischargeability - §523(a)(15), divorce/sep property
The Receivery of Money, proporty of the	settlement/decree
FRBP 7001(2) - Validity, Priority or Extent of Lien	☐ 65- Dischargeability – other
☐ 21- Validity, priority or extent of lien or other interest in property	
777777 7004 (A)	FRBP 7001(7) – Injunctive Relief
FRBP 7001(3) – Approval of Sale of Property  ☐ 31- Approval of sale of property of estate and of a co-owner -	☐ 71- Injunctive relief – reinstatement of stay ☐ 72- Injunctive relief – other
\$363(h)	12- injunctive tener – omer
<b>3</b> 505(11)	FRBP 7001(8) - Subordination of Claim or Interest
FRBP 7001(4) - Objection/Revocation of Discharge	☐ 81-Subordination of claim or interest
41- Objection / Revocation of discharge - §727(c),(d),(e)	
	FRBP 7001(9) – Declaratory Judgement
FRBP 7001(5) – Revocation of Confirmation	91- Declaratory Judgement
51- Revocation of confirmation	FRBP 7001(10) - Determination of Removed Action
FRBP 7001(6) - Dischargeability	01- Determination of removed claim or cause
66-Dischargeability - §523(a),(1),(14A) priority tax claims	
<ul> <li>✓ 62-Dischargeability - §523(a)(2) false pretenses, false</li> </ul>	Other
representation,	☐ SS-SIPA Case — 15 U.S.C. §§78AAA et.seq.
Actual fraud	□ 02-Other (e.g. other actions that would have been brought in
67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement	nt, state court if unrelated to bankruptcy case
larceny (continued next column)	
(continued next column)	
☐ Check if this case involves a substantive issue of state law.	☐ Check if this is asserted to be a class action under FRCP 23
☐ Check if a jury trial is demanded in complaint	Demand \$4,000.00
Other Relief Sought	
Attorney costs and Fees	

BANKRUPT	CY CASE IN	WHICH THI	S ADVERSA	RY PRO	DCEEDING ARISES
NAME OF DEBTOR					BANKRUPTCY CASE NO.
ARTHUR T FLOWERS, JR.					06-31560
DISTRICT IN WHICH CASE IS PE	ENDING	DIVISIONAL	L OFFICE		NAME OF JUDGE
MIDDLE		ALABAMA			William R. Sawyer
		For the Contract of the Contra			The state of the s
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PLAINTIFF	DEFENDA	NT		ADVE	RSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSAL	RY IS PENDI	NG DIVIS	IONAL OFFI	CE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR	PLAINTIFF	)			
	Section 1997	the bit was to a managery day			
DATE			PRINT NAI	ME OF A	ATTORNEY (OR PLAINTIFF)
2/12/07			Ban	1 Cm	4 Friedman

#### INSTRUCTIONS

The filing of the bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is field electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on our court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Parties.** Give the name of the parties to the adversary proceeding exactly as they appear on the complaint. Give the names and addresses of the attorneys if known.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

Barry Friedman Barry Friedman & Associates 257 St. Anthony Street P.O. Box 2394 Mobile, AL 36652 Phone: 251-439-7400

#### UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA AT MONTGOMERY

In re: Arthur T Flowers, Jr.,	Bankruptcy Case No. 06-31560
Debtor.	
FIA Card Services, N.A.,  Plaintiff,  v.	ADV. NO.  COMPLAINT OBJECTING TO DISCHARGEABILITY OF INDEBTEDNESS (11 U.S.C. § 523)
Arthur T Flowers, Jr.,	
Defendant.	

COMES NOW Plaintiff, by and through its attorney of record, Barry Friedman, to allege and complain as follows:

#### I. PARTIES AND JURISDICTION

- 1. Plaintiff is a foreign corporation licensed to do business in the State of Alabama with all fees and licenses paid, and otherwise is entitled to bring this action.
- 2. Defendant filed a Chapter 7 bankruptcy petition on 11/22/2006.
- 3. Jurisdiction is vested in this proceeding pursuant to 28 U.S.C. § 157, 28 U.S.C. § 1334, and 11 U.S.C. § 523; this proceeding is a core matter.
- 4. Plaintiff is a creditor in this bankruptcy proceeding.

#### **II. CAUSE OF ACTION**

5. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 4, above.

- 6. Defendant had a charge account with FIA Card Services, N.A., Account No. XXXXXX9921.
- 7. Defendant incurred charges and cash advances on this account totaling \$23,367.49, including interest, as of 11/22/2006, the date the bankruptcy petition was filed.
- 8. Between 08/16/2006 and 08/17/2006, Defendant incurred \$4,000.00 in cash advance and/or convenience check charges.
- 9. Defendant's debt is a "consumer debt", as defined by 11 U.S.C.§ 101(8).
- 10. By obtaining and/or accepting an extension of credit from Plaintiff and incurring charges on the account, Defendant represented an intention to repay the amounts charged.
- 11. Plaintiff reasonably relied on the representations made by Defendant.
- 12. Defendant incurred the debts when Defendant had no ability or objective intent to repay them.
- 13. Defendant obtained credit extended from Plaintiff by false pretenses, false representations and/or actual fraud.
- 14. As a result of Defendant's conduct, Plaintiff has suffered damages in the amount of \$4,000.00.
- 15. Pursuant to 11 USC § 523(a)(2), Defendant should not be granted a discharge of this debt to the Plaintiff in the amount of \$4,000.00.

WHEREFORE, Plaintiff prays that this Court grant the following relief:

- 1. A monetary judgment against Defendant in the amount of \$4,000.00, plus accrued interest at the contractual rate from and after 11/22/2006, plus additional interest at the contractual rate, which will continue to accrue until the date of judgment herein;
- 2. An order determining that such debt is non-dischargeable under 11 USC § 523(a)(2);
- 3. An order awarding Plaintiff its attorneys' fees and costs incurred herein; and
- 4. An order awarding Plaintiff such additional relief as this Court deems just and equitable.

DATED \_\_\_\_\_\_\_\_, 2007.

Barry Friedman, Bar # Attorney for Plaintiff

Barry Friedman
Barry Friedman & Associates
257 St. Anthony Street
P.O. Box 2394
Mobile, AL 36652
Phone: 251-439-7400

### UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA AT MONTGOMERY

In re:	
Arthur T Flowers, Jr.,	Bankruptcy Case No. 06-31560
Debtor.	
FIA Card Services, N.A., Plaintiff,	ADV. NO.  CERTIFICATE OF SERVICE
v.	
Arthur T Flowers, Jr.,	
Defendant.	
I certify that I am over the age of 18 and not 2007, I sent by first class mail, postage prepaid, a tru	a party to this action, and that on Feb 12, e and correct copy of the Summons in an Adversary
Proceeding (issued) and Complaint Objecting to Disc	chargeability of Indebtedness to the
parties/attorneys listed below:	
3345 Habersham Rd Montgomery, AL 36109-4317	Gail Donaldson Bond Botes Shinn & Donaldson Pc 400 South Union Street, Suite 230 Montgomery, AL 36104-4302
Under penalty of perjury, I declare that the foregoing	is true and correct.
Dated: 2 2 , 2007	Signature Printed Name Borry Afriedmon

# UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA AT MONTGOMERY

In re:	D 1 C N 06 21560
Arthur T Flowers, Jr.,	Bankruptcy Case No. 06-31560
Debtor.	ADIVAYO
FIA Card Services, N.A.,	ADV. NO.
Plaintiff,	SUMMONS
v.	
Arthur T Flowers, Jr.,	
Defendant.	
to this summons to the clerk of the bankrupto	e a motion or answer to the complaint which is attached by court within 30 days after the date of issuance of this ts offices and agencies shall file a motion or answer to
Address of the Clerk: One Church Street, Montgomery, AL 3	1
At the same time you must serve a copy of the plaintiff if not represented by counsel).	ne motion or answer upon the plaintiff's attorney (or
Name and Address of Plaintiff's Attorney:	Barry Friedman Barry Friedman & Associates 257 St. Anthony Street P.O. Box 2394 Mobile, AL 36652
	governed by Fed. Rule of Bankruptcy Procedure 7012.  UMMONS, YOUR FAILURE WILL BE DEEMED
TO BE YOUR CONSENT TO ENTRY OF	F A JUDGMENT BY THE BANKRUPTCY COURT BE TAKEN AGAINST YOU FOR THE RELIEF
	Clerk of the Bankruptcy Court
Date of Issuance	By: Deputy Clerk

## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

In re:

ARTHUR T. FLOWERS, JR.

Debtor.

FIA CARD SERVICES, N.A.

Plaintiff,

Vs.

ARTHUR T. FLOWERS, JR.

Defendant.

\*

Bankruptcy Case No. 06-31560

In Chapter 7

Adversary No. 07-03009-WRS

\*

Adversary No. 07-03009-WRS

\*

Defendant.

## DEFENDANT'S ANSWER TO COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT

#### **First Defense**

The Debtor admits the allegations of paragraphs 2 and 3. The Debtor admits that this proceeding is a core proceeding. The remaining allegations of this complaint are denied.

#### **Second Defense**

Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

#### **Third Defense**

The Plaintiff has failed to establish it is the owner of the alleged account in that it has not provided or proffered any proof of ownership by assignment of the account and lacks standing to bring this suit.

#### **Fourth Defense**

The Complaint and the purported cause of action against the Defendant is barred by the equitable doctrine of unclean hands.

#### **Fifth Defense**

The Plaintiff is estopped by their actions and/or the conduct or actions of its agents and principals (actual or ostensible) from bringing this Complaint or any other cause of action against the Defendant.

#### **Sixth Defense**

Defendant has insufficient information and knowledge upon which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available, and based thereon, Defendant reserves the right to assert any such affirmative defenses in the event discovery indicates they are proper.

#### Counterclaim

- 1. The position of the Creditor in this matter is not substantially justified.
- 2. The Creditor violated the Truth in Lending Act, 15, U.S.C. §§ 1601-1666j. **WHEREFORE**, the Debtor prays that this Court enter an Order:
  - (a) Dismissing the complaint of Plaintiff FIA Card Services, N. A. and declaring the debt in question dischargeable.
  - (b) Awarding the Debtor attorney fees and costs, pursuant to 11 U.S.C. § 523(d).
  - (c) Awarding the Debtor compensatory and punitive damages on his counterclaim.

Dated: March 5, 2007

Gair Donaldson Bradford W. Botes

Bradford W. Botes
Bond, Botes, Shinn & Donaldson, P.C.
Attorneys for the Defendant/Debtor
400 South Union Street, Suite 230
Montgomery, Alabama 36104
Phone (334) 264-3363
Fax (334) 264-3340
GDonaldson@bondnbotes.com
BBotes@bondnbotes.com

#### CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the Defendant's Answer to Complaint to Determine Dischargeability of Debt to parties in interest at the addresses shown below by first class mail, facsimile or electronic notice.

Dated: 06-27-06

Hon. Barry Friedman Barry Friedman & Associates 257 St. Anthony Street P.O. Box 2394 Mobile, AL 36652 Mr. Arthur Flowers, Jr. 3345 Habersham Road Montgomery, AL 36109

Gail Donaldson Bradford W. Botes

Attorneys for Defendant/Debtor

Bond, Botes, Shinn & Donaldson, P.C.

400 S Union St, Ste 230

Montgomery, AL 36104

Phone (334) 264-3363

Fax (334) 264-3340

GDonaldson@bondnbotes.com

BBotes@bondnbotes.com

## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

In re Case No. 06-31560-WRS Chapter 7

ARTHUR T. FLOWERS,

Debtor.

FIA CARD SERVICES NA,

Plaintiff,

v. Adv. Proc. No. 07-3009-WRS

ARTHUR T. FLOWERS JR.,

Defendant.

#### ORDER SETTING SCHEDULING CONFERENCE

Fed. R. Bankr. Proc. 7026 applies in this adversary proceeding.

Pursuant to Rule 7016(b), a SCHEDULING conference with the attorneys for the parties and any unrepresented parties will be held at the United States Bankruptcy Court, One Church Street, Courtroom 4-D, Montgomery, Alabama, on **April 10, 2007**, **at 10:00 a.m.** 

The parties are ORDERED to meet no later than 7 days before the scheduling conference and take the actions prescribed by Rule 7026(f).

The parties need not file with the court the initial disclosures required by Rule 7026(a) or the discovery plan proposed by the parties. *See* Rule 7026(f).

ORDERED this 7<sup>th</sup> day of March, 2007.

/s/ William R. Sawyer United States Bankruptcy Judge

c: Barry A. Friedman, Plaintiff
Gail Donaldson, Attorney for Defendant

#### UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA AT MONTGOMERY

In re:
Arthur T. Flowers, Jr.,
Debtor.
FIA CARD SERVICES, N.A.,
Plaintiff,
v.
Arthur T. Flowers, Jr.,
Defendant

Bankruptcy Case No. 06-31560

ADV. NO. 07-03009

PLAINTIFF'S RESPONSES TO DEFENDANTS FIRST SET OF REQUESTS FOR ADMISSIONS AND INTERROGATORIES

#### REQUEST FOR ADMISSION

REQUEST FOR ADMISSION (1): Plaintiff solicited Debtor/Defendant to enter into a credit contract by mailing to him an invitation to enter into said contract with Plaintiff.

RESPONSE: Admit to the extent that Plaintiff extended to Defendant a line of Credit. Plaintiff reserves the right to amend this response subject to additional information becoming available.

REQUEST FOR ADMISSION (2): Plaintiff sent a credit application to the defendant in connection with the account which is now subject of the present litigation.

**RESPONSE**: Admit.

REQUEST FOR ADMISSION (3): Debtor/Defendant credit the returned application to the plaintiff after which credit was approved.

RESPONSE: Admit to the extent that Plaintiff extended to Defendant a line of Credit. Plaintiff reserves the right to amend this response subject to additional information becoming available.

**REQUEST FOR ADMISSION (4):** Plaintiff has no specific basis on which to claim that any information is contained in any credit application by the defendant was inaccurate.

<u>RESPONSE</u>: After reasonable inquiry, Plaintiff has insufficient information to enable it to admit or deny and therefore denies this request. Plaintiff reserves the right to amend this response subject to additional information becoming available.

**REQUEST FOR ADMISSION (5):** Plaintiff did not independently verify any of the information provided by Debtor/Defendant before approving the credit.

RESPONSE: Deny.

**REQUEST FOR ADMISSION** (6): No employee or agent of the plaintiff had personal contact with the defendant by telephone or any other means or oral communication at any time with respect to the accounts.

<u>RESPONSE</u>: After reasonable inquiry, Plaintiff has insufficient information and lacks knowledge at this time to enable it to admit or deny and therefore denies this request. Plaintiff reserves the right to amend this response subject to additional information becoming available.

**REQUEST FOR ADMISSION (7)** The defendant's right to use his account was not revoked before he filed bankruptcy.

**RESPONSE**: Admit.

**REQUEST FOR ADMISSION** (8) Plaintiff did not reject any charges made by Debtor/Defendant on his account.

**RESPONSE**: Admit.

**REQUEST FOR ADMISSION** (9) Plaintiff does not individually review each use of an account by a customer and routinely allows such use until such time as the customer becomes delinquent, reports a card lost or stolen, exceeds the applicable credit limit or until the account is revoked.

RESPONSE: Deny as to the defendant's custom and usage as irrelevant to the issues outlined in the Complaint filed herein.

REQUEST FOR ADMISSION (10): Plaintiff did not seek or review a credit report concerning Debtor/Defendant at any time after the account was opened.

RESPONSE: Deny.

REQUEST FOR ADMISSION (11): Plaintiff did not seek verification of income and employment of the Debtor/Defendant at any time after the account was opened.

RESPONSE: After reasonable inquiry, Plaintiff has insufficient information and lacks knowledge at this time to enable it to admit or deny and therefore denies this request. Plaintiff reserves the right to amend this response subject to additional information becoming available.

**REQUEST FOR ADMISSION (12):** Plaintiff did not attend the Section 341(a) Meeting of Creditors in Debtor/Defendant's Bankruptcy, and did not conduct a Rule 2004 deposition of Debtor/Defendant at any time prior to filing this Adversary Proceeding Complaint.

Page 4 of 68

**RESPONSE**: Admit that Plaintiff did not attend the meeting of creditors or conduct a deposition of the defendant. However, Plaintiff reserves its right to depose Defendant pursuant to the applicable scheduling order in this case.

**REQUEST FOR ADMISSION (13)** One common use of credit is to obtain goods and services for which the borrower does not have the immediate ability to pay.

RESPONSE: Admit.

**REQUEST FOR ADMISSION (14)** Bankruptcy is a standard risk that is taken into account by a creditor in a credit transaction.

RESPONSE: Plaintiff objects to this request because is overbroad and unduly burdensome; is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION (15) The credit agreement between Plaintiff and Debtor/Defendant permits Debtor/Defendant to charge necessities such as food at grocery stores or in restaurants, medicines and medical services, gasoline and auto repairs, clothing and hair care and other personal care items.

**RESPONSE**: Admit.

**REQUEST FOR ADMISSION (16)** The credit agreement between Plaintiff and Debtor/Defendant permits Debtor/Defendant to purchase, rent, or lease goods of any kind and to purchase services and obtain loans from the card for any bona fide purpose.

**RESPONSE**: Admit.

**REQUEST FOR ADMISSION (17)** Plaintiff did not have any direct evidence of Debtor/Defendant's alleged intend to defraud pursuant to 11 U.S.C.(a)(2)(A) at the time of the filing of the above-captioned Adversary Proceeding.

RESPONSE: Deny.

**REQUEST FOR ADMISSION (18)** Plaintiff does not have any direct evidence of the Debtor/Defendant's circumstances leading to the use of the credit account in question.

RESPONSE: After reasonable inquiry, Plaintiff has insufficient information and lacks knowledge at this time to enable it to admit or deny and therefore denies this request. Plaintiff reserves the right to amend this response subject to additional information becoming available.

**REQUEST FOR ADMISSION (19)** Plaintiff did not conduct any independent investigation into the circumstances leading to the use of the credit account in question.

RESPONSE: Deny as to the defendant's custom and usage as irrelevant to the issues outlined in the Complaint filed herein.

**REQUEST FOR ADMISSION (20)** Plaintiff commonly files actions such as the above-captioned Adversary Proceeding with the intent to settle such actions without a trial.

RESPONSE: Deny.

**REQUEST FOR ADMISSION** (21) Plaintiff commonly files actions such as the above-captioned Adversary Proceeding without conducting a Rule 2004 deposition or attending the 341(a) Meeting of Creditors in the underlying bankruptcy case involved.

RESPONSE: Deny.

**REQUEST FOR ADMISSION** (22) Plaintiff was not substantially justified, pursuant to 11 U.S.C. § 523(d), in filing the above captioned Adversary Proceeding,

because no diligent investigation of the Debtor/Defendant's credit prior to extending credit has ever been conducted.

RESPONSE: Deny.

#### **INTERROGATORIES**

**INTERROGATORY NO. 1**: Identify each and every person who has knowledge of any relevant facts relating to the above-entitled action. As to each such person, state their name, address, telephone number, occupation, job title, and a brief summary of the facts known to each such person.

RESPONSE: Debtor, Plaintiff's undersigned counsel and Denise Huska, Plaintiff's Substitute Custodian of Records, whose address is 2101 Fourth Avenue, Suite 900, Seattle, WA 98121, whose testimony would surround the authentication of certain relevant documents. In addition, an officer of Plaintiff, identity yet to be determined, possesses knowledge of the credit evaluation process, the analysis of creditworthiness of the Defendant, the past history of the account, and the authentication of certain relevant documents.

**INTERROGATORY NO. 2**: Identify each such person supplying information used to answer these interrogatories and set forth the numbers of the interrogatories as to which each such person supplied information.

**RESPONSE**: See response to Interrogatory No. 1 above.

**INTERROGATORY NO. 3**: Identify each document that you referred to or otherwise relied upon in your answers to any of these interrogatories, setting forth the number of each interrogatory involved. Annex hereto a copy of each document.

Page 7 of 68

RESPONSE: Plaintiff and its counsel object to this request on the basis of the attorney client privilege and work product doctrine. Notwithstanding this objection, see Defendant's account transaction history attached hereto and Debtors' filed schedules and statements on file in the bankruptcy proceeding. In addition, Plaintiff intends to supplement this Response with more detailed information concerning the account as such information is located.

INTERROGATORY NO. 4: Identify each document in your possession or control in addition to the documents referred to in your answers to the preceding two interrogatories, as in any way related to the subject matter of this litigation. Annex hereto a copy of each document in your response to this interrogatory.

RESPONSE: Plaintiff and its counsel object to this request on the basis of the attorney client privilege and work product doctrine. Notwithstanding this objection, see Defendant's account transaction history attached hereto and Debtors' filed schedules and statements on file in the bankruptcy proceeding. In addition, Plaintiff intends to supplement this Response with more detailed information concerning the account as such information is located.

INTERROGATORY NO. 5: Are there any documents you know of or believe to be in existence, or though not in your possession or control, that in any way relates to the subject matter of this litigation. Annex hereto a copy of each document identified in your response to this interrogatory.

RESPONSE: Plaintiff is not aware of any such documents.

You have made the allegation that the INTERROGATORY NO. 6: Debtor/Defendant obtained funds from you by false pretense. State with particularity the nature of such false pretense alleged to have been made and the means by which you assert that the same was materially false, including but not limited to any information provided to you which you allege was inaccurate in whole or in part and the basis on which you have formed the belief that such information that is inaccurate.

RESPONSE: Each time Defendant used or authorized the use of his credit card, he made a representation to Plaintiff that he intended to repay the resulting charges. Defendant continued to draw upon his credit line, and continued to represent an intention to repay each charge, until shortly before he filed for relief under the Bankruptcy Code. Upon information and belief, Defendant continued to draw upon his credit line after he became insolvent and lacked any reasonable prospect of regaining the ability to repay Plaintiff. Thus, Defendant made false representations of his intent to repay on several occasions. Upon information and belief, Defendant made these representations with the intent to deceive Plaintiff in order to obtain money and/or property.

INTERROGATORY NO. 7: You have made the allegation that Debtor/Defendant obtained funds from you by false representation. State with particularity the nature of such false representation alleged to have been made and the means by which you assert that the same was materially false, including but not limited to any information provided to you which you allege was inaccurate in whole or in part and the basis on which you have formed the belief that such information is inaccurate.

<u>RESPONSE</u>: See Response to interrogatory 6 above. Also see, account transaction history attached hereto.

INTERROGATORY NO. 8: You have made the allegation that Debtor/Defendant obtained funds from you by fraud. State with particularity each and every element of fraud alleged to have been committed by Debtor/Defendant and the means by which you assert that you reasonably relied upon her actions and were harmed as a result of such reasonable reliance.

RESPONSE: Bankruptcy fraud consists of a false representation made with the intent to deceive, upon which the recipient of the representation justifiably relies, and proximately causes harm to the recipient. In re Eashai, 87 F.3d 1082, 1088 (9th Cir. 1996). Plaintiff justifiably relied on the representations made by Defendant because Defendant's account was not in default and Plaintiff's initial investigations into Defendant's credit report did not raise any red flags that would make Plaintiff's reliance unjustifiable. Id at 1091-92. Defendant falsely represented that he intended to pay the charges. Plaintiff justifiably relied on Defendant's representations of his intent to repay, and Plaintiff's reliance on these representations was the proximate cause of harm to the Plaintiff.

<u>INTERROGATORY NO. 9</u>: Identify what purpose you claim Debtor/Defendant borrowed money from you, and identify any and all documents (including receipts, invoices, and canceled checks), which evidence the use of loan or credit proceeds.

<u>RESPONSE</u>: Debtor has personal knowledge of use of loan proceeds. Also, see Defendant's transaction history attached hereto. Plaintiff will supplement its response to this interrogatory when this information becomes available.

INTERROGATORY NO. 10: State with particularity all steps taken by you to determine the credit-worthiness of Debtor/Defendant. Identify all persons who participated in making this determination.

RESPONSE: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the Without waiving this objection, the discovery of admissible evidence. creditworthiness of potential cardholders is established by using a matrix approach submitted to a credit reporting agency or other marketing agency specializing in credit demographics to identify individuals within a geographic area who meet certain specific credit criteria including the number of credit accounts, the years employed at present employment, home ownership, credit rating, Fair Isaac Score, if applicable, and income. The identification of Defendant as creditworthy required the submission of a response to the pre-approved notification and a further confirmation of continuing quality credit prior to the issuance of a credit card. The company employed to evaluate the population selected for review that resulted in the issuance of a credit card to Defendant is not retained by particular card. Accordingly, the persons who participated in making this determination cannot be determined.

INTERROGATORY NO. 11: Identify all representations made by Debtor/Defendant to Plaintiff, including the date and time of the representation, the manner in which the representation was transmitted to you, the substance of the representation, and the identity of the person to whom the representation was made. Include such person's name, address, job title and telephone number.

<u>RESPONSE</u>: See response to interrogatory 6 above and defendant's transaction history attached hereto.

<u>INTERROGATORY NO 12</u>: Identify each and every document containing any facts relevant to the Complaint in this Adversary Proceeding Complaint, and state with particularity what relevant facts each such document contains.

RESPONSE: Plaintiff and its counsel object to this request on the basis of the attorney client privilege and work product doctrine. Notwithstanding this objection, see Defendant's account transaction history attached hereto and Debtors' filed schedules and statements on file in the bankruptcy proceeding. In addition, Plaintiff intends to supplement this Response with more detailed information concerning the account as such information is located.

INTERROGATORY NO. 13: Identify any credit policies of Plaintiff which you maintain were violated by Debtor/Defendant in connection with the use of her account. State how such policies were communicated to Debtor/Defendant, and identify any documents by which such policies were communicated.

RESPONSE: Plaintiff objects to this interrogatory on the grounds that it seeks information protected by attorney/client privilege and the work-product doctrine. Plaintiff further objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, each credit card account holder agrees to utilize his card in accordance with the terms of the credit card agreement, previously supplied to the Defendant at the time of the opening of the account. Implicit in that agreement is the requirement that Defendant utilize the

credit granted therein in good faith and not fraudulently. These are contract requirements not "policies".

<u>INTERROGATORY NO. 14</u>: Identify the means you used to verify Debtor/Defendant's income, expenses, assets, or liabilities at any time, including but not limited to the nature, dates, extent, persons involved, and the analysis of that verification. Identify any document obtained in the verification process.

RESPONSE: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, at the opening of the account, the application information supplied by the defendant, together with the expected parameters of economic information from the creditworthiness matrix are compared against a current credit report to verify that the information on the application continues to meet the range of standards of the pre-approval process. No documentation is retained in this process other than an electronic image of the application as a summary of the credit report and matrix information.

**INTERROGATORY NO. 15**: Identify your general policies concerning the decision to grant credit to account holders, and state with particularity how those policies were applied to Debtor/Defendant and her account.

RESPONSE: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, the creditworthiness of potential cardholders is established by using a matrix approach submitted to a credit reporting agency or other marketing agency specializing in

credit demographics to identify individuals within a geographic area who meet certain specific credit criteria including the number of credit accounts, the years employed at present employment, home ownership, credit rating, Fair Isaac Score, if applicable, and income. The identification of Defendant as creditworthy required the submission of a response to the pre-approved notification and a further confirmation of continuing quality credit prior to the issuance of a credit card. The company employed to evaluate the population selected for review that resulted in the issuance of a credit card to Defendant is not retained by particular card. Accordingly, the persons who participated in making this determination cannot be determined.

INTERROGATORY NO. 16: Identify your general policies concerning the approval or rejection of individual charges or cash advances for an account holder, and state with particularity how those policies were applied to Debtor/Defendant and her account.

RESPONSE: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, the charging privilege on a credit card account is suspended when the account becomes 30 to 60 days delinquent or is seriously over limit in excess of the specified percentage applied to accounts of this type; and is revoked when the delinquency or over limit status is not cured within a reasonable time thereafter, usually at the 60 to 90 day stage from the date of initial negative event.

**INTERROGATORY NO. 17**: Identify your general policies concerning the revocation of charge privileges for an account holder, and state with particularity how those policies were applied to the Debtor/Defendant and her account.

<u>RESPONSE</u>: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, Defendant's charging privileges were not revoked.

**INTERROGATORY NO. 18:** Identify the date on which you believe the following events occurred, and state with particularity any charges on the account which you allege were made after those dates:

- a. the Debtor/Defendant consulted a Bankruptcy attorney;
- b. the Debtor/Defendant had a reduction in income;
- c. The Debtor/Defendant formulated her purported intent not to repay; and
- d. The Debtor/Defendant violated the terms of her credit agreement.

#### **REPONSE:**

- a. See Debtor's Statement of Financial Affairs and schedules;
- b. See Debtor's Statement of Financial Affairs and schedules;
- c. & d. Each credit card account holder agrees to utilize his card in accordance with the terms of the credit card agreement, previously supplied to the Defendant at the time of the opening of the account. Implicit in that agreement is the requirement that Defendant utilize the credit granted therein in good faith and not fraudulently. See Debtor's Statement of Financial Affairs and schedules. Debtor has

personal knowledge of a, b, c & d. In addition, this response will be supplemented pending further investigation and discovery.

<u>INTERROGATORY NO. 19</u>: To the extent you are alleging Debtor/Defendant's misconduct giving rise to your claim of non-dischargeability is based on conduct other than a specific misrepresentation, identify:

- a. The nature of the conduct or courses of action;
- b. The nature of any such representations;
- The person or persons to whom each representation was made, or who drew a conclusion therefrom;
- d. The date on which such conclusions were made;
- e. The basis for an conclusion drawn from such representation; and
- f. The manner in which such conclusions were recorded or memorialized.

RESPONSE: Plaintiff objects to this interrogatory on the grounds that it seeks information protected by attorney/client privilege and the work-product doctrine. Plaintiff further objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, each credit card account holder agrees to utilize his card in accordance with the terms of the credit card agreement, previously supplied to the Defendant at the time of the opening of the account. Implicit in that agreement is the requirement that Defendant utilize the credit granted therein in good faith and not fraudulently. The conduct was use of the credit card. See transaction history attached hereto which notes each transaction made, where it was made, and the date it was made.

- a. See response to interrogatory 6,7, & 8.
- b. See response to interrogatory 6,7, & 8.
- c. See response to interrogatory 11. Also, each vendor involved in each transaction listed on the transaction history attached hereto.

Filed 10/29/2007

- d. See transaction history attached hereto.
- e. See response to interrogatory 13.
- See transaction history attached hereto.

INTERROGATORY NO. 20: To the extent you are alleging Debtor/Defendant's misconduct giving rise to your claim of non-dischargeability is based upon a representation implied by Debtor/Defendant's course of actions, identify:

- the nature of the conduct or course of actions;
- b. the nature of any such implied representations;
- The person or persons to whom each implied representation was made, or who drew a conclusion therefrom;
- The date on which such implications were made;
- The basis for any conclusion drawn from such representations; and
- The manner in which such conclusions were recorded or memorialized.

**RESPONSE**: See Response to Interrogatory No. 19 above.

INTERROGATORY NO 21: Identify all of your employees who you claim had personal contact with Debtor/Defendant at any time in connection with her account.

ANSWER: The only contact with the Defendant would have been in the nature of responding to inquiries from the Defendant, or in making collection contact. To the extent there were such contacts, Plaintiff will supplement this response when this information is available.

**INTERROGATORY NO 22**: State the total number of your borrowers who have filed bankruptcy so far this year, and in each of the previous two calendar years.

<u>ANSWER</u>: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO 23: State the total number of actions you have brought under 11 U.S.C. §523(a)(2)(A) so far this year, and in each of the previous two calendar years.

<u>ANSWER</u>: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

<u>INTERROGATORY NO 24</u>: State whether it is Plaintiff's position that every use of Plaintiff's credit card by a borrower who does not later repay the debt is fraudulent representation upon which Plaintiff justifiably relies.

ANSWER: No.

INTERROGATORY NO 25: Identify and describe policies or guidelines established to determine when an 11 U.S.C. §523(a)(2)(A) action will be brought against a borrower or plaintiff who has filed Bankruptcy, including a detailed identification of any documents which refer to, relate to, or describe those policies or guidelines.

<u>ANSWER</u>: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO 26**: State the percentage of Plaintiff's credit card accounts that were charged off, in whole or in part, in each of the past two years.

<u>ANSWER</u>: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO 27**: State the amount of Plaintiff's net profits from its credit card operations in each of the past two years.

<u>ANSWER</u>: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO 28: State the number of unsolicited credit card offers Plaintiff mailed in each of the last two years, and how many of those offers were "preapproved."

ANSWER: Plaintiff objects to this interrogatory as overbroad and unduly burdensome, not relevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO 29: State all actual direct evidence (as distinguished from mere inference) of Debtor/Defendant's alleged subjective intent to defraud.

ANSWER: Bankruptcy fraud consists of a false representation made with the intent to deceive, upon which the recipient of the representation justifiably

relies, and proximately causes harm to the recipient. <u>In re Eashai</u>, 87 F.3d 1082, 1088 (9th Cir. 1996). Plaintiff justifiably relied on the representations made by Defendant because Defendant's account was not in default and Plaintiff's initial investigations into Defendant's credit report did not raise any red flags that would make Plaintiff's reliance unjustifiable. <u>Id</u> at 1091-92. Defendant falsely represented that he intended to pay the charges. Plaintiff justifiably relied on Defendant's representations of his intent to repay, and Plaintiff's reliance on these representations was the proximate cause of harm to the Plaintiff.

<u>INTERROGATORY NO 30</u>: Identify the research and diligent investigation of Debtor/Defendant's circumstances substantially justifying the initiation of the present action and forming the basis for a good faith filing.

ANSWER: Plaintiff objects to this request because it seeks confidential, proprietary, privileged information (a trade secret); is overbroad and unduly burdensome; is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, see Defendant's transaction history and other documents attached hereto, also see schedules and statements on file in the bankruptcy proceeding.

<u>INTERROGATORY NO 31</u>: State the name and address of each witness you intend to call at trial in this matter and the substance of their testimony.

ANSWER: The names of every witness that Plaintiff intends to call at the time of trial have not yet been determined. This answer will be supplemented at the time such determination has been made.

DATED this 10 day of

, 2007.

Barry Friedman & Associates

257 St. Anthony St

POB 2394

Mobile, AL 36652

Attorneys for MBNA America Bank

#### VERIFICATION

STATE OF Washington ) ss. COUNTY OF KING

I, Denise M. Huska, being first duly sworn, upon my oath state that I am the Substitute Custodian of Records for the Plaintiff above-named, and am hereby authorized to give this verification on behalf of the Plaintiff, that the foregoing documents in response to Defendant's Notice of Production of Documents, to the best of my knowledge, information and belief, are true and correct copies of documents maintained in the ordinary course of Plaintiff's business.

Subscribed and sworn to perfore me this 30 day of March JOAN LEE ROTRAMEL

STATE OF WASHINGTON

NOTARY -- - PUBLIC

MY COMMISSION EXPIRES 12-30-08

Joan Lee Rotramel

Notary Public in and for the State of Washington

Residing at Poulsbo

My commission expires 12/30/08

#### CERTIFICATE OF MAILING / SERVICE

I, Barry S. Friedman, counsel of record for the above-named Plaintiff, hereby certify that I served a copy of the foregoing Plaintiff's Responses to Defendant's Interrogatories, Request for Production of Documents, and Request for Admissions to the following:

Gail Donaldson Bond, Botes, Shinn & Donaldson, P.C. 400 S. Union St., Suite 230 Montgomery, AL 36104

DATED this \_ day of \_

Barly S. Friedman

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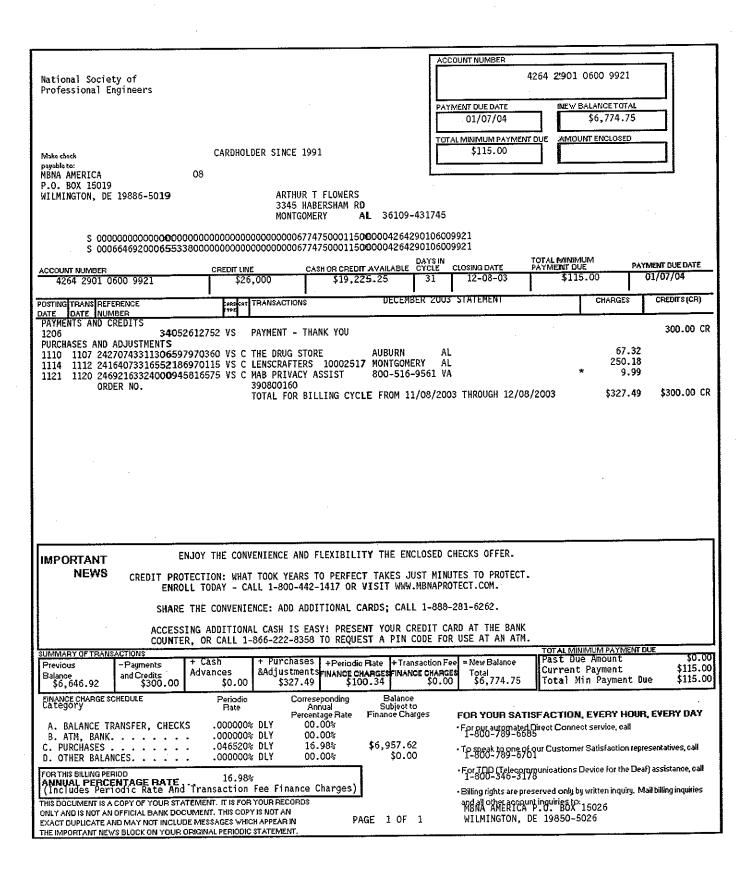
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- S 020106 2400	*FFA * CHG	LATE SCHD	FROM	00029 TO 0	0048 U003 R0	90
S 020806 0029	PRO-SO AP2	LO 0 PRO	CASH-AD	3.99 END	10/06 ACT BY	04/2006
S 020806 233 <b>0</b>	PRO-TO PROM	O ID 20051	12074 REMO	VED 02/200	6 2/REPLACED	/R
- S 030806 0001 1	PRO-SO AP2	TO 0 PRO	CASH-AD	3.99 END	11/06 ACT BY	05/2006
S 030806 2318	MOSE OT-OSE	10 TD 20060	1087 REMO	VED 03/200	6 2/REPLACED	/R
S 040806 2226 1	PRO-TO PROM	O TD 20060	2069 REMO	VED 04/200	6 2/REPLACED	/R
S 040806 2308	PRO-SO AP2	TO 0 PRO	CASH-AD	3.99 END	12/06 ACT BY	06/2006
S 050206 0934 1	PETACT *AM	I MT TOO XS	IPGRADE TO	REWARDS C	FFER MAILED	5/06
S 090506 0053	MOGG OT-OGG	MO TD 20060	3078 REMO	VED 09/200	6 2/LATE	/R
S 100706 2400	ABCEVE DEL	DM COL	B STAT	(P) ST LET	SM NO40	SC 034
S 101106 1645	CUTTAG BUTT	1 - OI.D WO	or ph	ONE: 33482	217138 E	XT:
S 101106 1445						
_ S 101106 1445	T/244 1111	DDA IIAD CI	IMMODD 10	101		
PF8=FIRST COMMEN	ਾ DF9T.Δ.S′	COMMENT	PF10=PAG	F FORWARD	PF11=PAGE B	ACKWARD
PA1=BEGIN AGAIN	DA9-GVG	PEM MENII	PF1=C/H 1	DISPLAY	CLEAR=EXIT	IB4T
4-©	1 MDMATC	171 107	32 90		TN012616	6/2
4-0	T MDNATO	エノエ・エフノ	. 24. 20		11012010	-, -

	CUSTOMER INFORMATION SYSTEM  * 4264290106009921    CURBAL: .00 CYCLE: CR LIN: .00 STATUS: CR LIN: .00	USA 10:38:21 08 N 0000000000000000
S 102306 2400 ABCSYS S 102606 1529 17544 S 102706 1445 17544 S 103006 2022 CACMYI S 103106 1800 CACSXC S 103106 1801 CACSXC S 110206 0929 OCASSD S 110306 1424 EDSVCP P 110306 1525 EDSVCP S 110306 1456 17544 S 110906 1559 17544 P 111306 1807 COLBNW	THE DDA HAS CHANGED TO 151  ACCT B61STAT CHGD FROM (P) TO B  DELQ RM COLL STAT B(P) ST LE  THE DDA HAS CHANGED TO 150  CA LTR/30HLR(1019) PSBL LWR APR/S  PERMANENT CHANGE FROM - CONTACT	(P) T SM SC 034  TLMT OFFR/FMS OFFR TYPE 561141 EXT: 000000 EXT: 643363 EXT: EXT: ROM  SSIGNED REGION: GA** SWRG MACHINE
PA1=BEGIN AGAIN PA2:	=LAST COMMENT PF10=PAGE FORWARD =SYSTEM MENU PF1=C/H DISPLAY AIS 171.197.32.90	CLEAR=EXIT IB4T

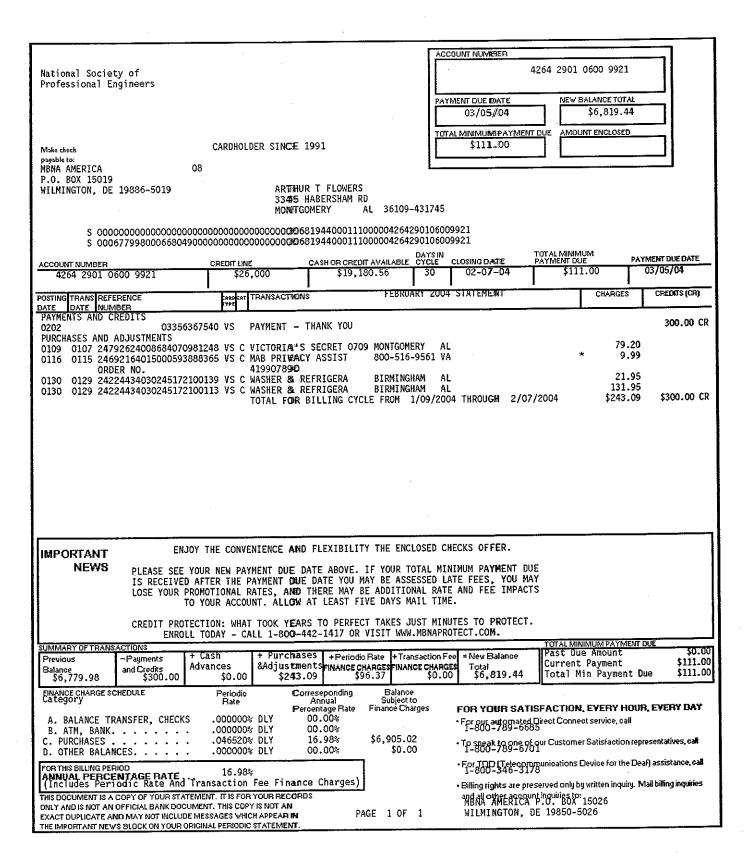
X200-0	CUSTOMER INFORMATION	SYSTEM M	D 03/12/07
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ARTHUR T*FLOWERS	CURBAL: .00	CYCLE: 08 N 00000000	0000000
	CR LIN00	STATUS: O* CHANGE	D: 02/27/07
DATE TIME OPER	COM	IENTS PAGE 0009	
S 111406 0801 ACAJSS	ADCH - OLD HOME PHO	NE: 3343561141 E	XT:
_ S 111706 0806 ACA <b>C</b> AD	ADCH - OLD WORK PHO	NE: 3343561141 E	XT:
S 112706 0912 ACA4IH	ADCH - OLD HOME PHO	NE: 3342643363 E	XT:
_ S 112706 0912 ACA4IH	ADCH - OLD WORK PHO	NE: E	XT:
P 112706 1016 ACA4IH	BKO RFRRL NEW COMMENTS	1. 06-31560 2. 11/22/	2006 3. 7 4
P 112706 1016 ACA4IH	. Arthur t. Flowers VER	RIFIED W/ATTNY Y NAME	GAIL DONAL
P 112706 1016 ACA4IH	DSON PHN 1 33435613	.41 ADDR 400 SOUTH UN	ION MONTGUM
P 112706 1016 ACA4IH	ARY AL 36104 UNITE	ED STATES	
S 113006 1526 175 <b>44</b>	THE DDA HAS CHANGED TO	150	
_ \$ 120206 1718 175 <b>44</b>	DDA CHANGED TO 776		
S 121106 0919 PRSPRD	MAIL CODE HAS BEEN CHANG	ED FROM " " TO "L"	•
_ S 121106 0920 PRSPRD	C/H STATUS CHANGED FROM	'B' TO 'R', EFFECTIVE	NEXT FM
P 121106 0922 PRSPRD	CHAPTER: 7 FILING TYPE:	I CASE #0631560 FILE	DATE:
P 121106 0922 PRSPRD	11/22/2006 COURT CODE: A	ALMO SOURCE: NBKIZY4	
_ S 121106 0920 *MB <b>NA</b> *	MAILCODE CHNGD TO L BECA	AUSE STATUS CHNGD TO R	OR 5
_			
PF8=FIRST COMMENT PF9=	LAST COMMENT PF10=PAGE	FORWARD PF11=PAGE E	ACKWARD
PA1=BEGIN AGAIN PA2=	SYSTEM MENU PF1=C/H I	DISPLAY CLEAR=EXIT	1B4T
4 - © 1 MBNA	AIS 171.197.32.90	TN0I2616	6/2

X200-0 ARTHUR T*FLOWERS	CUSTOMER INFORMATION SYSTEM  * 4264290106009921	MD 03/12/07 USA 10:38:57 08 N 0000000000000000 0* CHANGED: 02/27/07
_ S 121106 2400 *MBNA* _ S 011907 2359 80085A _ S 022607 1750 AUTOCH	MAILCODE CHNGD TO L BECAUSE STAT ACCT B61STAT CHGD FROM B(P)TO R NTFY BENEFITS CHANGE VERSION 03 CHARGE-OFF CODE N ACCT B61STAT CHGD FROM R(P)TO O	US CHNGD TO R OR 5
110 11101 11111111111111111111111111111	=LAST COMMENT PF10=PAGE FORWARD =SYSTEM MENU PF1=C/H DISPLAY	PF11=PAGE BACKWARD CLEAR=EXIT IB4T
4- <sup>©</sup> 1 MBN		TN012616 6/2

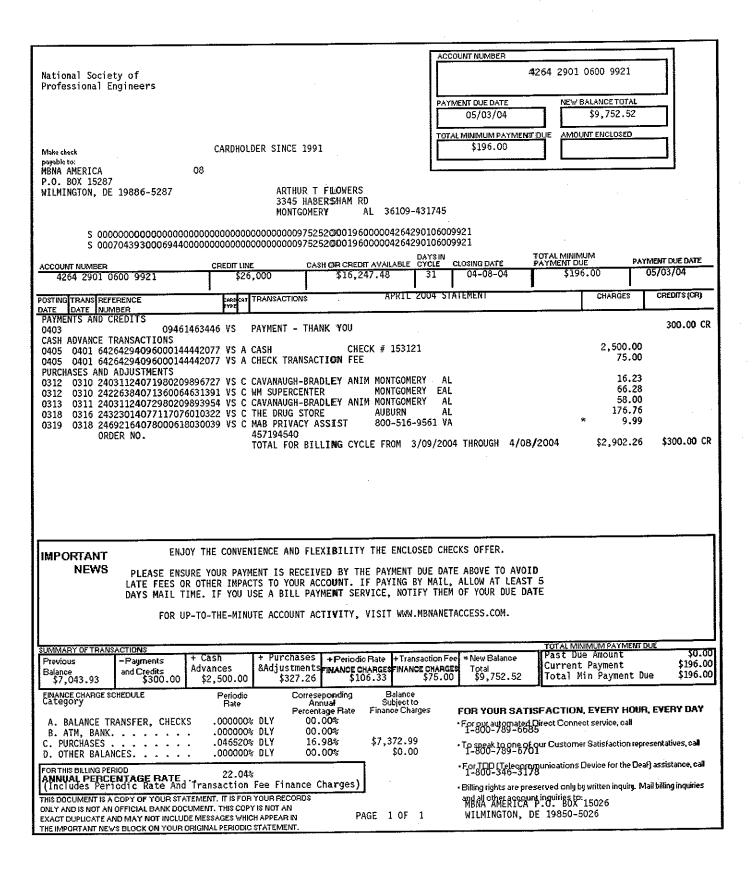
ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL 12/07/03 \$6,646.92 TOTAL MINIMUM PAYMENT DUE AMOUNT ENGLOSED CARDHOLDER SINCE 1991 \$108.00 Make check pavable to: MBNA AMERICA 08 P.O. BOX 15019 ARTHUR T FLOWERS WILMINGTON, DE 19886-5019 4780 CLAUD FLEAHOP RD AL 36078 TALLASSEE 5 000665339000656295000000000000000000064692000108000004264290106009921 TOTAL MINIMUM PAYMENT DUE DAYS IN CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE ACCOUNT NUMBER CREDIT LINE 12/07/03 \$108,00 11-07-03 \$26,000 \$19,353.08 4264 2901 0600 9921 NOVEMBER 2003 STATEMENT CREDITS (CR) CHARGES TRANSACTIONS POSTING TRANS REFERENCE DATE NUMBER 300.00 CR PAYMENT - THANK YOU 30452045187 VS PURCHASES AND ADJUSTMENTS 9.99 800-516-9561 VA 1016 24692163289000800737497 VS C MAB PRIVACY ASSIST 1017 ORDER NO. 370429050 190.00 1027 24270743300306597970280 VS C THE DRUG STORE AUBURN AL TOTAL FOR BILLING CYCLE FROM 10/09/2003 THROUGH 11/07/2003 \$300.00 CR \$199.99 ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER. IMPORTANT **NEWS** CREDIT PROTECTION: WHAT TOOK YEARS TO PERFECT TAKES JUST MINUTES TO PROTECT. ENROLL TODAY - CALL 1-800-442-1417 OR VISIT WWW.MBNAPROTECT.COM. ACCESSING ADDITIONAL CASH IS EASY! PRESENT YOUR CREDIT CARD AT THE BANK COUNTER, OR CALL 1-866-222-8358 TO REQUEST A PIN CODE FOR USE AT AN ATM. OTAL MINIMUM PAYMENT DUE ACTIONS Purchases Past Due Amount Cash = New Balance +Periodic Rate +Transaction Fee Previous -Payments Current Payment \$108.00 8Adjustments in Ange Charges in Ange Charges \$199.99 \$93.54 \$0.00 Advances and Credits \$300.00 Total \$6,646.92 Balance \$6,653.39 \$108.00 Total Min Payment Due \$0.00 Correseponding Annual Percentage Rate Balance Subject to Finance Charges ENANCE CHARGE SCHEDULE Category Periodio Rate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY For our automated Direct Connect service, call 1-800-789-6685 00.00% A. BALANCE TRANSFER, CHECKS .000000% DLY B. ATM, BANK. . . . . . . .000000% DLY 00.00% - To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701 .046520% DLY 16.98% \$6,702.23 C. PURCHASES . .000000% DLY 00.00% \$0.00 D. OTHER BALANCES. . . . . . - For TDD (Telecontimunications Device for the Deaf) assistance, call 1-800-346-3178 FOR THIS BILLING PERIOD 16.98% ANNUAL PERCENTAGE RATE (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS and all other account inquiries to: 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN WILMINGTON, DE 19850-5026 PAGE 1 OF 1 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.



ACCOUNT SHUMBER 4264 2901 0600 9921 National Society of Professional Engineers NEW BALANCE TOTAL PAYMENT SALE DATE \$6,779.98 02/06/04 TOTAL MINIMALUM PAYMENT DUE AMOUNT ENCLOSED \$114.00 CARDHOLDER SINCE 1991 Make check payable to: MBNA AMERICA 08 P.O. BOX 15019 ARTHUR T FLOWERS WILMINGTON, DE 19886-5019 3345 HABERSHAM RD MONTGOMERY AL 36109-431745 TOTAL MINIMUM PAYMENT DUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE ACCOUNT NUMBER CREDIT LINE 02/06/04 \$19,220.02 \$314.00 4264 2901 0600 9921 \$26,000 CREDITS (CR) JANUARY 2004 STATEMEN CHARGES TRANSACTIONS POSTING TRANS REFERENCE DATE DATE NUMBER: 300.00 CR PAYMENT - THANK YOU 0108 00863829869 VS PURCHASES AND ADJUSTMENTS 9.99 800-516-9561 VA 1216 24692163350000729964416 VS C MAB P雅IVACY ASSIST 1217 ORDER NO. 402887200 113.30 MONTGOMERY 1223 24455013357357317211320 VS C DILLARDS 272 1226 02012610272V03Y7000610010 ORDER NO. 82.45 00008367 MONTGOMERY 0103 24399004003295836006175 VS C BEST BUY AL TOTAL FOR BILLING CYCLE FROM 12/09/2003 THROUGH 1/08/2004 \$300.00 CR \$205.74 ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER. IMPORTANT CREDIT PROTECTION: WHAT TOOK YEARS TO PERFECT TAKES JUST MINUTES TO PROTECT. NEWS ENROLL TODAY - CALL 1-800-442-1417 OR VISIT WWW.MBNAPROTECT.COM. ACCESSING ADDITIONAL CASH IS EASY! PRESENT YOUR CREDIT CARD AT THE BANK COUNTER, OR CALL 1-866-222-8358 TO REQUEST A PIN CODE FOR USE AT AN ATM. TOTAL MINIMUM PAYMENT DUE Past Due Amount SUMMARY OF TR ACTIONS Cash = New Balance -Payments Previous \$114.00 Current Payment Advances and Credits \$300.00 Total \$6,779.98 Balance \$6,774.75 \$114.00 Total Min Payment Due \$0.00 EMANCE CHARGE SCHEDULE Category Correseponding Annual Percentage Rate Periodic Rate Balance Subject to Finance Charges FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY For our automated Direct Connect service, call 1-800-789-5685 00.00% A. BALANCE TRANSFER, CHECKS .000000% DLY B. ATM, BANK. . . . . . . .000000% DLY 00.00% - To speak to one of our Customer Satisfaction representatives, call 1-000-789-6701 .046520% DLY 16.98% \$6,898.67 C. PURCHASES .000000% DLY 00.00% \$0,00 D. OTHER BALANCES. . . . . - For TDD (Teleopramunications Device for the Deaf) assista**nce,** call 1-800-346-3178 FOR THIS BILLING PERIOD 16.98% ANNUAL PERCENTAGE RATE (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquires THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS and all other account inquiries to: 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN WILMINGTON, DE 19850-5026 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN PAGE 1 OF 1 THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.



ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers NEW BALANCE TOTAL PAYMENT DUE DATE 04/05/04 \$7,043.93 AMOUNT ENGLOSED TOTAL MINIMUM PAYMENT DUE \$114.00 CARDHOLDER SINCE 1991 Make check pavable to: MBNA AMERICA 08 P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY TOTAL MINIMUM PAYMENT DUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE ACCOUNT NUMBER CREDIT LINE \$114.00 04/05/04 03-08-04 4264 2901 0600 9921 \$26,000 \$18,956.07 MARCH 2004 STATEMENT CREDITS (CR) CHARGES TRANSACTIONS POSTING TRANS REFERENCE DATE DATE NUMBER
PAYMENTS AND CREDITS 300.00 CR PAYMENT - THANK YOU 0304 06463116653 VS 16.48 CR MONTGOMERY ΑL 74445004067772544165040 VS AUTOZONE #0160 0308 **PURCHASES AND ADJUSTMENTS** 310.00 0209 0206 24270744037306597970288 VS C THE DRUG STORE AHRHRN 9.99 800-516-9561 VA 0219 24692164050000815028689 VS C MAB PRIVACY ASSIST 0220 440410470 ORDER NO. 46.20 0226 24717054057640575957911 VS C MONTGOMERY RUBBER & GA MONTGOMERY AL. 18.90 0305 24445004067771487690761 VS C AUTOZONE #0160 0306 24210734067286240177480 VS C SOMMER'S PLACE REST MONTGOMERY AL 0308 55.95 MONTGOMERY ΑL TOTAL FOR BILLING CYCLE FROM 2/08/2004 THROUGH 3/08/2004 \$441.04 \$316.48 CR ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER. IMPORTANT **NEWS** CREDIT PROTECTION: WHAT TOOK YEARS TO PERFECT TAKES JUST MINUTES TO PROTECT. ENROLL TODAY - CALL 1-800-442-1417 OR VISIT WWW.MBMAPROTECT.COM. PAY YOUR BILL QUICKLY WITH PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. PAYMENT POSTS THE SAME OR NEXT BUSINESS DAY. TOTAL MINIMUM PAYE Past Due Amount SUMMARY OF TRAN ACTIONS \$0.00 Purchases +Periodic Rate +Transaction Fee = New Balance Cash -Payments Previous Current Payment \$114.00 &Adjustments Finance Charges Finance Charges \$441.04 \$99.93 \$0.00 Advances and Credits \$316.48 Total \$7,043.93 Balance \$6,819.44 \$114.00 Total Min Payment Due \$0.00 Correseponding Annual Percentage Rate Periodic Rate Palance FINANCE CHARGE SCHEDULE Category Subject to Finance Charges FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY 00.00% .000000% DLY For our automated Direct Connect service, call 1-800-789-6685 A. BALANCE TRANSFER, CHECKS .000000% DLY 00.00% B. ATM, BANK. . . . . . . - To speak to one of our Customer Satisfaction representatives, call 1–800–789–5701 .046520% DLY 16.98% \$7,160.14 C. PURCHASES . 00.00% \$0.00 .000000% DLY D. OTHER BALANCES. . . . . . • For TOD (Telecommunications Device for the Deaf) assistance, call 1–800–346–3178 FOR THIS BILLING PERIOD 16.98% ANNUAL PERCENTAGE RATE 15.98% (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS AND AND AMERICA P.O. BOX 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN WILMINGTON, DE 19850-5026 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN PAGE 1 OF 1



ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL \$9,564.16 06/03/04 TOTAL MINIMUM PAYMENT DUE AMOUNT ENCLOSED CARDHOLDER SINCE 1991 \$116.00 Make check wable to: MBNA AMERICA 80 P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD MONTGOMERY AL 36109-431745 S 0007477520007271260000000000000000000095641600011600000426429**01**06009921 TOTAL MINIMUM PAYMENT DUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE CREDIT LINE ACCOUNT NUMBER 06/03/04 \$26,000 \$16,435.84 05-07-04 \$116.00 4264 2901 0600 9921 CREDITS (CR) MAY 2004 STATEMEN CHARGES TRANSACTIONS POSTING TRANS REFERENCE DATE DATE NUMBER
PAYMENTS AND CREDITS 300.00 CR PAYMENT - THANK YOU 12153301590 ¥S 0430 PURCHASES AND ADJUSTMENTS 0416 0415 24692164106000430010223 ¥S C MAB PRIVACY ASSIST 800-516-9**56**1 VA 9.99 473202400 ORDER NO. \$300,00 CR TOTAL FOR BILLING CYCLE FROM 4/09/2004 THROUGH 5/07/2004 \$9.99 ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER-IMPORTANT CONTACT US AT WWW.MBNACASH.COM. NEWS ACCESSING ADDITIONAL CASH IS EASY! PRESENT YOUR CREDIT CARD AT THE BANK COUNTER, OR CALL 1-866-222-8358 TO REQUEST A PIN CODE FOR USE AT AN ATM. SHARE THE CONVENIENCE: FOR ADDITIONAL CARDS, CALL 1-888-281-6262. FOR UP-TO-THE-MINUTE ACCOUNT ACTIVITY, VISIT WWW.MBMANETACCESS.COM. OTAL MINIMUM PAYMENT DUE SUMMARY OF TRANSACTIONS Past Due Amount Purchases +Periodic Rate +Transaction Fee = New Balance Previous -Payments Current Payment \$116.00 &Adjustments NANCE CHARGES FINANCE CHARGE: \$9.99 \$101.65 Advances and Credits \$300.00 Total \$9,564.16 Balance \$9,752.52 \$116.00 Total Min Payment Due \$0.00 \$9.99 EINANCE CHARGE SCHEDULE Ca tegory Correseponding Annual Percentage Rate 00.00% Periodic Rate Balance Subject to Finance Charges FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY .000000% DLY A. BALANCE TRANSFER, CHECKS For our automated Direct Connect service, call 1-800-789-6685 B. ATM, BANK...... .000000% DLY 00.00% \$7,534.39 - To speak to one of our Customer Satisfaction representatives, call 1-000-789-6701 C. PURCHASES . .046520% DLY 16.98% D. OTHER BALANCES. . . . . . .000000% DLY 00.00% \$0.00 For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3178 FOR THIS BILLING PERIOD 16.98% ANNUAL PERCENTAGE HATE
(Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS and all other account inquiries to: 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN WILMINGTON, DE 19850-5026 PAGE 1 OF 1 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

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Professional Engineers			
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Make check CARDHOLDER SINCE 1991	\$126.00		
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WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS			i
3345 HABERSHAM RD MONTGOMERY AL 36109-43	31745		
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\$ 00075891600072812500000000000000000093880700012800000426429		TOTAL BAILURALISA	}
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0601 15354769635 VS PAYMENT - THANK YOU			300.00 CR
PURCHASES AND ADJUSTMENTS 0514 0513 24692164134000274642178 VS C MAB PRIVACY ASSIST 800-516-9	561 VA	* 9	.99
OPDER NO. 490276510			
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IMPORTANT ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSE CONTACT US AT WWW.MBNACASH.COM OR 1-888-51	D CHECKS OFFER 5-3306.		
NEWS  CONTACT US AT WWW.MBNACASH.COM OR 1-888-51	5-3306.		
CONTACT US AT WWW.MBNACASH.COM OR 1-888-51	5-3306.		
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CONTACT US AT WWW.MBNACASH.COM OR 1-888-51  PERSONAL CHECKS AT BIG SAVINGS! VISIT WWW.EASYORDER.C  ACCESSING ADDITIONAL CASH IS EASY! PRESENT YOUR CRED COUNTER, OR CALL 1-866-222-8358 TO REQUEST A PIN COD  SHARE THE CONVENIENCE: FOR ADDITIONAL CARDS, CAL  SUMMARY OFTRANSACTIONS  Previous -Pauments + Cash + Purchases + Periodic Bate + Transe	SHECKSELECTIONS.COM.  DIT CARD AT THE BANK DE FOR USE AT AN ATM.  L 1-888-281-6262.  action Fee = New Balance	Past Due Amount	\$0.00 \$128.00
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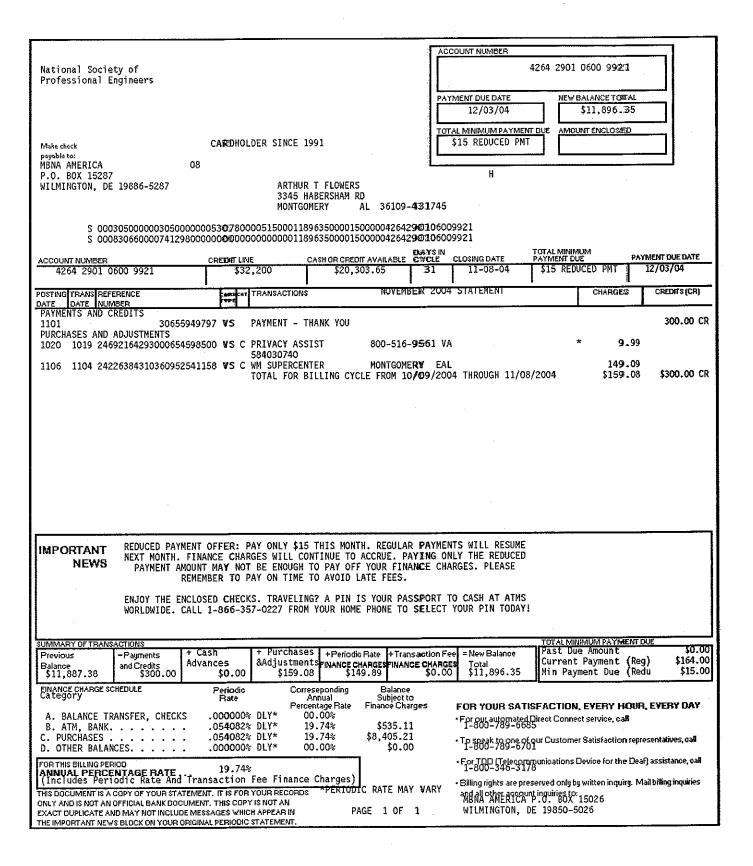
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ACCOURT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENUT DUE DATE NEW BALANCE TOTAL \$9,721.54 08/04/04 AMOUNT ENCLOSED TOTAL MINIMUM PAYMENT DUE CARDHOLDER SINCE 1991 \$138.00 payable to: MBNA AMERICA P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD MONTGOMERY AL 36109-431745 S 00077130700072912400000000000000000000000138000004264290106009921 CASH OR CREDIT AVAILABLE CYCLE TOTAL MINIMUM PAYMENT DUE PAYMENT DUE DATE CLOSING DATE ACCOUNT NUMBER CREDIT LINE 08/04/04 \$26,000 \$138,00 \$16,278.46 30 07-08-04 4264 2901 0600 9921 JULY 2004 STATEMEN CHARGES CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS TRANSACTIONS 300.00 CR 18353243144 VS PAYMENT - THANK YOU 0701 CASH ADVANCE TRANSACTIONS 0612 0610 74764204163900011121582 VS B SOUTHTRUST BANK 0612 0610 74764204163900011121582 VS B BANK TRANSACTION FEE 500,00 MONTGOMERY 15.00 PURCHASES AND ADJUSTMENTS 9.99 0618 0617 24692164169000485585479 VS C PRIVACY ASSIST 800-516-9561 VA 510535440 ORDER NO. \$300.00 CR TOTAL FOR BILLING CYCLE FROM 6/09/2004 THROUGH 7/08/2004 \$524.99 ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER-CONTACT US AT WWW.MBNACASH.COM OR 1-800-683-2737. IMPORTANT NEWS WWW.MBNANETACCESS.COM NOW OFFERS FREE BILL PAYING WHEN YOU USE YOUR MBNA CARD. PERSONAL CHECKS AT BIG SAVINGS! VISIT WWW.EASYORDER.CHECKSELECTIONS.COM. SHOPPING FOR AUTO INSURANCE HAS NEVER BEEN EASIER. VISIT WWW.MBNAAUTO.COM/MS2 AND REQUEST UP TO FOUR QUOTES FROM SOME OF THE NATION'S TOP INSURANCE CARRIERS. OTAL MINIMUM PAYMENT DUE SUMMARY OF TRANSACTIONS **SO** 00 Past Due Amount + Purchases | +Periodic Rate | +Transaction Fee Cash = New Balance Previous -Payments \$138.00 Current Payment Advances &Adjustments|| SINANCE CHARGES|| SADS | SADS Total \$9,721.54 and Credits \$300.00 Balance \$9.388.07 Total Min Payment Due \$138.00 \$500.00 EINANCE CHARGE SCHEDULE Category Correseponding Annual Balance Periodic Rate Subject to Finance Charges Percentage Rate 00.00% FOR YOUR SATISFACTION, EVERY HOUR, EVERY BAY A. BALANCE TRANSFER, CHECKS .000000% DLY • For our automated Direct Connect service, call 1-800-789-5685 00.00% B. ATM, BANK. . . . . . . .000000% DLY \$7,772.69 • To speak to one of our Customer Satisfaction representatives call 1–800–789–6701 C. PURCHASES . .046520% DLY 16.98% D. OTHER BALANCES. . . . . . .000000% DLY 00.00% \$0.00 • For TOD (Telecommunications Device for the Deaf) assistance call 1–800–346–3178 FOR THIS BILLING PERIOD 17.91% ANNUAL PERCENTAGE RATE 17.91% (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries

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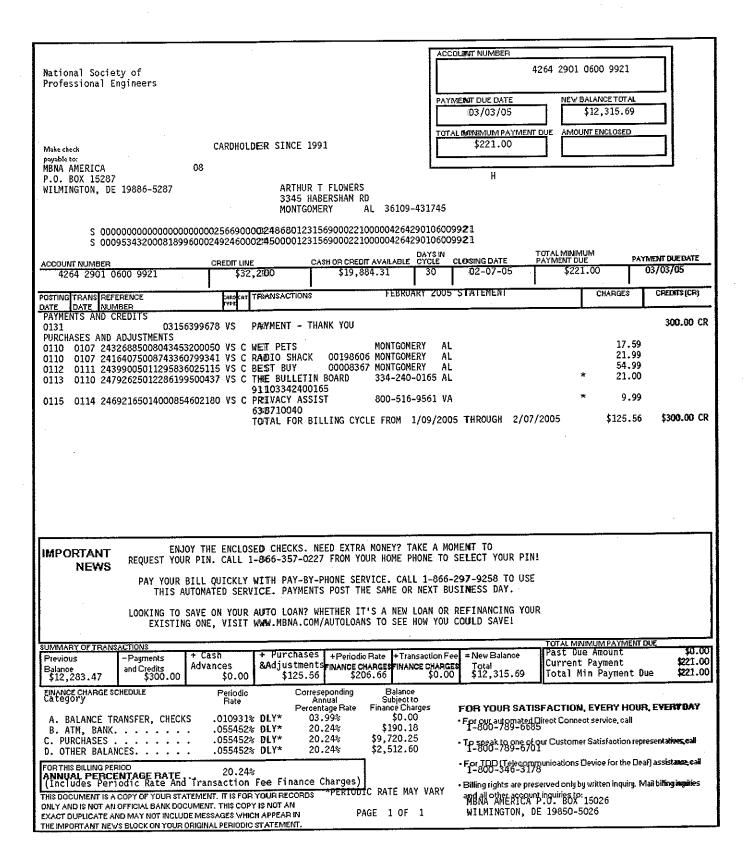
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ACCOUNT NUMBER		CREDIT LINE		SHOR CREDIT	AVAILABLE C		CLOSING DATE	PAYME	NT DUE		03/04
4264 2901 0	600 9921	\$32	,200	\$20,312	2.62	30	10-08-04		\$156 <b>.00</b>	111/	03/04
POSTING TRANS REFI		EARDCAT	TRANSACTIONS		OCTOBER	2004	STATEMENT		CHARG	ES C	REDITS (CR)
PAYMENTS AND C		TANG 1									
1001	27561	527288 VS	PAYMENT - THA	NK YOU							300.00 CR
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			562686840		MONTGOMER	RY AL			4	9.46	
1001 0930 243	99004274295630	1047445 V3 C	TOTAL FOR BIL				4 THROUGH 10/08	/2004		9.45	\$300.00 CR
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	ENTOV THE E	UCLOSED CHECK	S TRAVELINGS	2 A DIN TS	YOUR PASS	SPORT TO	O CASH AT ATMS				
IMPORTANT	WORLDWIDE.	CALL 1-866-35	7-0227 FROM	YOUR HOME	PHONE TO	SELECT	YOUR PIN TODAY	Į.			
NEWS	SAVI	E 10% ON FRES	H FLOWERS AND	MAKE ANY	OCCASTON	A SPEC	IAL ONE!	•			11
	CALL 1	-8 <b>00</b> -260 <b>-</b> 2241	OR VISIT WW	4.272.FLOW	ERCLUB.COM	1. USE	CODE MBG48.				
	THERMITETAR	V OFFFR! SAVE	\$10 ON YOUR	FIRST BOX	OF FLORIS	OA GIFT	CITRUS FROM A	L'S			
	FAMILY	FARMS. VISIT	ENJOYCITRUS.	COM, OR CA	LL 1-888-2	231-245	O DEPT. 103X.				
SUMMARY OF TRANS	ACTIONS							TOT/	AL MINIMUM PAYI	MENT DUE	
Previous	-Payments	+ Cash	+ Purchases	+Periodic F		action Fe		Pas	t Due Amount rent Payment		\$0.00 \$156.00
Balance \$11,986.33	and Credits \$300.00	Advances \$0.00	&Adjustment: \$59.45	SFINANCE CHA \$141		e charge \$0.00	S Total \$11,887.38		al Min Payme		\$156.00
		Periodio		eponding	Balance			<u> </u>			
ENANCE CHARGE SE Category		Rate	Ar	aniual	Subject to Finance Charg	jes	FOR YOUR SAT	ISFAC	TION, EVERY	HOUR, E	VERY DAY
	RANSFER, CHECK	A R 4 A C C A	DLY* 00	.00%	\$52 <b>6.</b> 36		For our automater 1-800-789-66				
C. PURCHASES				.74% .74%	\$8,201.29						rtatives, call
D. OTHER BALA				.00%	\$9.00		*TP-500-789-67				
FOR THIS BILLING PER	RIOD NTAGE PATE	19.74%	:				•For JDD (Telecon 1-800-346-31	munical 78	tions Device for t	he Deaf) as	sistance, cali
ANNUAL PERCE (Includes Per		Transaction	Fee Finance	Charges)	RATE MAY	VADV	Billing rights are pr			uirg. Mail b	illing inquiries
THIS DOCUMENT IS A ONLY AND IS NOT AN	COPY OF YOUR STA	TEMENT, IT IS FOR LUMENT, THIS COPY	YOUR RECORDS ( IS NOT AN				ambana america	Int inguir	BOX 15026		
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I THE SMPURTANT NEW	US REDICK ON YOUR (	ORIGINAL PERIODIC	AT WELSTERN.								



National Society of Professional Engineers  Makecheck payable to: MBNA AMERICA 08 P.O. BOX 15287 WILMINGTON, DE 19886-5287	053975000051500012224 <b>02</b> 000015000004	### ##################################						
ACCOUNT NUMBER	0000000000000000012224 <b>02</b> 000015000004  CREDIT LINE CASH OR CREDIT AVAILA	DAYS IN TOTAL MINIMUM PAYMENT DUE DATE LABLE CYCLE CLOSING DATE PAYMENT DUE DATE						
4264 2901 0600 9921	\$32,200 \$19,975.98							
POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS 1130 335615639 PURCHASES AND ADJUSTMENTS 1117 1115 243015343215253200471	046 VS PAYMENT - THANK YOU 147 VS C AMERICAN HOME SHLD RF4 712-	300.00 CR 460.00						
1117 1116 246921643210005407358	600049610	7-516-9561 VA * 9.99  ROM 11/09/2004 THROUGH 12/048/2004 \$469.99 \$300.00 CR						
REDUCED PAYMENT OFFER: PAY ONLY \$15 THIS MONTH. REGULAR PAYMENTS WILL RESUME NEWS  REDUCED PAYMENT OFFER: PAY ONLY \$15 THIS MONTH. REGULAR PAYMENTS WILL RESUME NEXT MONTH. FINANCE CHARGES WILL CONTINUE TO ACCRUE. PAYING ONLY THE REDUCED PAYMENT AMOUNT MAY NOT BE ENOUGH TO PAY OFF YOUR FINANCE CHARGES. PLEASE REMEMBER TO PAY ON TIME TO AVOID LATE FEES.  ENJOY THE ENCLOSED CHECKS. NEED EXTRA MONEY FOR THE HOLIDAYS? TAKE A MOMENT TO REQUEST YOUR PIN. CALL 1-866-357-0227 FROM YOUR HOME PHONE TO SELECT YOUR PIN!								
\$11,896.35 \$300.00	ash + Purchases + Periodic Bate ances	+Transaction Fee = New Balance Past Due Amount \$0.00						
ENANCE CHARGE SCHEDULE Category  A. BALANCE TRANSFER, CHECKS B. ATM, BANK. C. PURCHASES D. OTHER BALANCES PORTHIS BILLING PERIOD ANNUAL PERCENTAGE RATE (Includes Periodic Rate And Tra THIS DOCUMENT IS A COPY OF YOUR STATEME ONLY AND IS NOT AN OFFICIAL BANK DOCUMEN	Rate	### Page 1   Page 2   Page 2						

ACCOUNT NUMBER 4264 29071 0600 9921 National Society of Professional Engineers NEW BALANCE TOTAL PAYMENT DUE DATE \$12,283.47 02/02/05 TOTAL MINIMUM PAYMENT DUE AMPOUNT ENCLOSED \$226.00 CARDHOLDER SINCE 1991 Make check MBNA AMERICA 08 P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD A1 36109-431745 MONTGOMERY  $\begin{array}{l} {\tt S}\;\;000000000000000000000000486800005150001228347000226000004264290106009921\\ {\tt S}\;\;00092253400080420500024500000024500001228347000226000004264290106009921} \end{array}$ TOTAL MINIMUM PAYMENT QUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE ACCOUNT NUMBER CREDIT LINE 02/02/05 01-08-05 4264 2901 0600 9921 \$32,200 \$19,915.53 JANUARY 2005 STATEMENT CHARGES CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER TRANSACTIONS DATE DATE NUMBER
PAYMENTS AND CREDITS 300.00 CR 1231 36661375742 VS PAYMENT - THANK YOU PURCHASES AND ADJUSTMENTS 9.99 800-516-9561 VA 1215 1214 24692164349000676608927 VS C PRIVACY ASSIST 618346070 1216 24323004352253009010142 VS C BROMBERGECO INC-MONTGO MONTGOMERY 1223 24761974362276499010117 VS C FELIX'S FISH CAMP & GR MONTGOMERY 40.00 35.21 AL 62.71 0105 24031125006980312207108 VS C COHEN ELECTRONIC & APP MONTGOMERY 1A TOTAL FOR BILLING CYCLE FROM 12/09/2004 THROUGH 1/08/2005 \$147.91 \$300.00 CR ENJOY THE ENCLOSED CHECKS. NEED EXTRA MONEY? TAKE A MOMENT TO IMPORTANT REQUEST YOUR PIN. CALL 1-866-357-0227 FROM YOUR HOME PHONE TO SELECT YOUR PIN! **NEWS** PAY YOUR CREDIT CARD BILL ONLINE. VISIT WWW.MBNANETACCESS.COM TODAY! CASH ACCESS MADE SIMPLE! PRESENT YOUR CREDIT CARD AND ID AT ANY BANK OR FINANCIAL INSTITUTION AND YOU CAN GET THE CASH YOU NEED IMMEDIATELY. <u>TOTAL MINIMUM PAYMENT DUE</u> Past **Du**e Amount ACTIONS 00.02 Purchases + Periodic Rate + Transaction Fee Cash = New Balance Previous -Payments \$226,00 &Adjustments inance charges inance charge \$147.91 \$211.54 \$0.00 Current Payment Advances and Credits \$300.00 Total \$12,283.47 Balance \$12,224.02 \$226,00 Total Min Payment Due \$0.00 FINANCE CHARGE SCHEDULE Category Balance Subject to Finance Charges Periodic Rate Correseponding Annual Percentage Rate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY 03.99% A. BALANCE TRANSFER, CHECKS .010931% DLY\* \$0.00 •For our automated Direct Connect service, call 1–800–789–6685 B. ATM, BANK. . . . . . . .055452% DLY\* 20.24% \$465.98 • To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701 C. PURCHASES .055452% DLY\* 20.24% \$9,369.58 .055452% DLY\* \$2,470.49 D. OTHER BALANCES. . . . . . 20.24% -For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3178 OR THIS BILLING PERIOD 20.24% ANNUAL PERCENTAGE RATE 20.24% (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries \*PEŘIÚĎÍC RATE MAY VARY THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS MBNA AMERICA P.O. BOX 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN WILMINGTON, DE 19850-5026 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN PAGE 1 OF 1



ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL 04/03/05 \$14,811.99 TOTAL MINIMUM PAYMENT DUE AMOUNT ENGLOSED \$301.00 CARDHOLDER SINCE 1991 Make check payable to: MBNA AMERICA 08 H P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY 5 00097782800083155200025342500024500001481199000301000004264290106009921 TOTAL MINIMUM PAYMENT DUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE **CLOSING DATE** CREOT LINE ACCOUNT NUMBER \$32,200 04/03/05 4264 2901 0600 9921 \$17,388.01 29 03-08-05 MARCH 2005 STATEMENT CHARGES CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS TRANSACTIONS 300.00 CR PAYMENT - THANK YOU 0303 06254713225 VS CASH ADVANCE TRANSACTIONS 2,500.00 0208 0204 64264295039000148372293 VS A SELF CHEC 0208 0204 64264295039000148372293 VS A CHECK TRANSACTION FEE CHECK # 021161 75.00 PURCHASES AND ADJUSTMENTS 9.99 800-516-9561 VA 0216 0215 24692165046000153370200 VS C PRIVACY ASSIST 659305130 TOTAL FOR BILLING CYCLE FROM 2/08/2005 THROUGH 3/08/2005 \$2,584.99 \$300.00 CR

IMPORTANT **NEWS** 

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PAY YOUR BILL QUICKLY WITH PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. PAYMENTS POST THE SAME OR NEXT BUSINESS DAY.

LOOKING TO SAVE ON YOUR AUTO LOAN? WHETHER IT'S A NEW LOAN OR REFINANCING YOUR EXISTING ONE, VISIT WWW.MBNA.COM/AUTOLOANS TO SEE HOW YOU COULD SAVE!

SUMMARY OF TRANS	ACTIONS						TOTAL MINIMUM PAYMENT DUE	FO 6/51	
Previous Balance \$12,315.69	-Payments and Credits \$300.00	+ Cash Advances \$2,500.00	+ Purchases &Adjustments \$9.99	+Periodic Rate FINANCE CHARGES \$211.31	+Transaction Fe FINANCE CHARGI \$75.00	S Total	Past Due Amount Current Payment Total Min Payment Due	\$0.00 \$301.00 \$301.00	
	RANSFER, CHECK	056136% 056136%			Balance ubject to ce Charges 373.21 \$3.18 363.14 554.27	FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY  *For our automated Direct Connect service, call  1-800-789-6685  *To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701			
FOR THIS BILLING PER ANNUAL PERCE (Includes Per THIS DOCUMENT IS A ONLY AND IS NOT AN THE IMPORTANT NEV	ENTAGE RATE sodic Rate And copy of Your STA official Bank Doc ND MAY NOT INCLUD	TEMENT, IT IS FOR LUMENT, THIS COPY DE MESSAGES WHIC	Fee Finance C YOUR RECORDS 'IS NOT AN HAPPEAR!N	Charges) *PERIOUIC RAT			ounications Device for the Deaf) as erved only by written inquiry. Mail bi inquiries to: -0. 80:15026 E 19850–5026		

TOTAL MINIMUM PAYMENT DUE

FOR THIS BILLING PERIOD

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NNUAL PERCENTAGE RATE (Includes Periodic Rate And Transaction Fee Finance Charges)

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ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL 05/04/05 \$17.325.59 AMOUNT ENCLOSED <u>TOTAL MINIMUM PAYMENT DU</u>E CARDHOLDER SINCE 1991 \$328,00 Make check avable to MBNA AMERICA 80 Н P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY S 0002284100002275000000003220000000001732<del>55</del>9000328000004264290106009921 \$ 00099488400083255100025758300024500001732559000328000004264290106009921 CASH OR CREDIT AVAILABLE CYCLE TOTAL MINIMUM PAYMENT DUE PAYMENT DUE DATE CLOSING DATE CREDIT LINE ACCOUNT NUMBER \$32,200 \$328.00 05/04/05 04-08-05 31 4264 2901 0600 9921 \$14.874.41 APRIL 2005 STATEMENT CHARGES CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER CARDICAT TRANSACTIONS DATE DATE NUMBER
PAYMENTS AND CREDITS 310.00 CR 04010534900127 VS 0401 0331 PAYMENT - THANK YOU CASH ADVANCE TRANSACTIONS 2,500.00 0314 0310 64264295073000112410381 VS A SELF CHECK # 222611 0314 0310 64264295073000112410381 VS A CHECK TRANSACTION FEE 75.00 PURCHASES AND ADJUSTMENTS 9.99 0316 0315 24692165074000237973388 VS C PRIVACY ASSIST 800-516-9561 VA 679124050 TOTAL FOR BILLING CYCLE FROM 3/09/2005 THROUGH 4/08/2005 \$310.00 CR \$2,584,99 ENJOY THE ENCLOSED CHECKS. NEED EXTRA MONEY? TAKE A MOMENT TO IMPORTANT REQUEST YOUR PIN. CALL 1-866-357-0227 FROM YOUR HOME PHONE TO SELECT YOUR PIN! **NEWS** PAY YOUR BILL QUICKLY WITH THE PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. PAYMENTS POST THE SAME OR NEXT BUSINESS DAY. PLAN AHEAD FOR LIFE'S UPS AND DOWNS. PROTECT YOUR MBNA CREDIT RATING TODAY! CALL 1-800-280-2528, OR VISIT WWW.MBNAPROTECT.COM. TOTAL MINIMUM PAYMENT DUE UMMARY OF TRANS SACTIONS 50.00 Past Due Amount Cash Purchases +Periodic Rate +Transaction Fee = New Balance -Payments Previous &Adjustments FINANCE CHARGES FINANCE CHARGE \$9.99 \$238.61 \$75.00 \$328.00 Current Payment and Credits \$310.00 Advances Total \$17,325.59 Balance \$14,811.99 \$2,500.00 Total Min Payment Due \$328.00 EINANCE CHARGE SCHEDULE Category Correseponding Annual Balance Subject to Finance Charges Periodic Rate Percentage Rate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY A. BALANCE TRANSFER, CHECKS \$4,693.70 .010931% DLY\* 03.99% • For our automated Oirect Connect service, call 1-800-789-6685 20.74% \$3.25 .056821% DLY\* B. ATM, BANK. . . . . . . . . . \$10,042.22 20.74% To speak to one of our Customer Satisfaction representatives, call 1-600-789-6701 .056821% DLY\* C. PURCHASES . 20.74% \$2,597.91 .056821% DLY\* D. OTHER BALANCES. . . . . . • For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3178

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ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL 06/03/05 \$17,247.63 TOTAL MINIMUM PAYMEDIT DUE AMOUNT ENCLOSED CARDHOLDER SINCE 1991 \$257.00 Make check MBNA AMERICA 80 P.O. BOX 15287 Н WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS 3345 HABERSHAM RD MONTGOMERY AL 36109-431745 \$ 0004565000004549100000003280000000001724763@00257000004264290106009921 \$ 00101357200083355000026215900024500001724763000257000004264290106009921 CASH OR CREDIT AVAILABLE CYCLE TOTAL MINIMUM PAYMENT DUE PAYMENT DUE DATE CLOSING DATE CREDIT LINE ACCOUNT NUMBER 31 4264 2901 0600 9921 \$32,200 \$14.952.37 05-09-05 \$257.00 06/03/05 POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS MAY 2005 STATEMENT CREDITS (CR) CHARGES TRANSACTIONS 0502 12243888301 VS PAYMENT - THANK YOU 330,00 CR PURCHASES AND ADJUSTMENTS 800-516-9561 VA 9.99 699144090 TOTAL FOR BILLING CYCLE FROM 4/09/2005 THROUGH 5/09/2005 \$9.99 \$330.00 CR ENJOY THE ENCLOSED CHECKS. NEED EXTRA MONEY? TAKE A MOMENT TO IMPORTANT REQUEST YOUR PIN. CALL 1-866-357-0227 FROM YOUR HOME PHONE TO SELECT YOUR PIN! **NEWS** PAY YOUR BILL QUICKLY WITH THE PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. PAYMENTS POST THE SAME OR NEXT BUSINESS DAY. PLAN AHEAD FOR LIFE'S UPS AND DOWNS. PROTECT YOUR MBNA CREDIT RATING TODAY! CALL 1-800-280-2528, OR VISIT WWW.MBNAPROTECT.COM. TOTAL MINIMUM PAYMENT DUE SUMMARY OF TRANSACTIONS 50.00 + Cash Purchases +Periodic Rate +Transaction Fee Past Due Amount New Balance Previous -Pauments Current Payment 8Adjustments FINANCE CHARGES FINANCE CHARGE \$9.99 \$242.05 \$0.00 \$257.00 Total \$17,247.63 Advances and Credits \$330.00 Balance \$17,325.59 \$0.00 Total Min Payment Due \$257.00 FINANCE CHARGE SCHEDULE Category Periodic Rate Correseponding Annual Balance Subject to Finance Charges Percentage Rate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY A. BALANCE TRANSFER, CHECKS \$4,487.30 .010931% DLY\* 03.99% For our automated Direct Connect service, call 1-800-789-6685 B. ATM, BANK. . . . . . . . . . .056821% DLY\* 20.74% \$3.31 \$10,230.70 .056821% DLY\* To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701 C. PURCHASES . 20.74% \$2,644.06 D. OTHER BALANCES. . . . . . .056821% DLY\* 20.74% - For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3178 FOR THIS BILLING PERIOD 16.41% ANNUAL PERCENTAGE RATE 15.41% (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries \*PERIODIC RATE MAY VARY THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS and all other account inquiries to: MBNA AMERICA P.O. BOX: 15026

ACCIDIUM NUMBER 4264 2901 0600 9921 National Society of Professional Engineers NEW BALANCE TOTAL PAYMENT DUE DATE \$17,197.52 07/03/05 TOTAL MINIMUM PAYMENT DUE AMOUNT ENGLOSED \$254.00 CARDHOLDER SINCE 1991 Make check sanable tar MBNA AMERICA 80 H P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY \$ 0004250200004235000000003340000000001719752000254000004264290106009921 S 00103259300083454900026681600024500001719752000254000004264290106009921 CASHOR CREDIT AVAILABLE CYCLE TOTAL MINIMUM PAYMENT DUE PAYMENT QUE DATE CLOSING DATE CREDIT LINE 07/03/05 4264 2901 0600 9921 \$32,200 \$15,002,48 06-08-05 JUNE 2005 STATEMENT CHARGES CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS TRANSACTIONS 300.00 CR 15033399766 VS PAYMENT - THANK YOU 0530 PURCHASES AND ADJUSTMENTS 9.99 0514 0513 24692165133000949909406 VS C PRIVACY ASSIST 800-516-9561 VA 718182300 \$300.00 CR \$9.99 TOTAL FOR BILLING CYCLE FROM 5/10/2005 THROUGH 6/08/2005 ENJOY THE ENCLOSED CHECKS. NEED EXTRA MONEY? TAKE A MOMENT TO IMPORTANT REQUEST YOUR PIN. CALL 1-866-357-0227 FROM YOUR HOME PHONE TO SELECT YOUR PIN! NEWS PAY YOUR BILL QUICKLY WITH THE PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. PAYMENTS POST THE SAME OR NEXT BUSINESS DAY. CLAIM YOUR REWARDS TODAY! ENTER CERTIFICATE NO.143149 AT WWW.REWARDCENTER.COM. TOTAL MINIMUM PAYMENT DUE Past Due Amount SUMMARY OF TRANSACTIONS \$0.00 Purchases + Cash +Periodic Rate +Transaction Fee = New Balance Previous -Payments \$254,00 Current Payment &Adjustments in Ance Charges finance Charges \$9.99 \$239.90 \$0.00 Advances Total \$17,197.52 Balance \$17,247.63 and Credits \$300.00 \$254,00 Total Min Payment Due \$0.00 FINANCE CHARGE SCHEDULE Category Balance Subject to Finance Charges Correseponding Annual Periodic Rate Annual Percentage Rate 03.99% FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY \$4,156.89 • For our automated Direct Connect service, call 1-800-789-6685 .010931% DLY\* A. BALANCE TRANSFER, CHECKS .057506% DLY\* 20.99% \$3.37 B. ATM, BANK. . . . . . . . \$10,421.56 To speak to one of our Customer Satisfaction representatives, call 1–800–789–5701 .057506% DLY\* 20.99% C. PURCHASES . \$2,690.53 .057506% DLY\* 20.99% D. OTHER BALANCES. . . . . • For TDD (Telecommunications Device for the Deaf) assistance, call 1–800–346–3178 FOR THIS BILLING PERIOD 16.90% ANNUAL PERCENTAGE RATE 16.90% [Includes Periodic Rate And Transaction Fee Finance Charges] Billing rights are preserved only by written inquiry. Mail billing inquiries THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS \*\*PERIODIC RATE MAY VARY MBNA AMERICA P.O. BOX 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN PAGE 1 OF 1 WILMINGTON, DE 19850-5026 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

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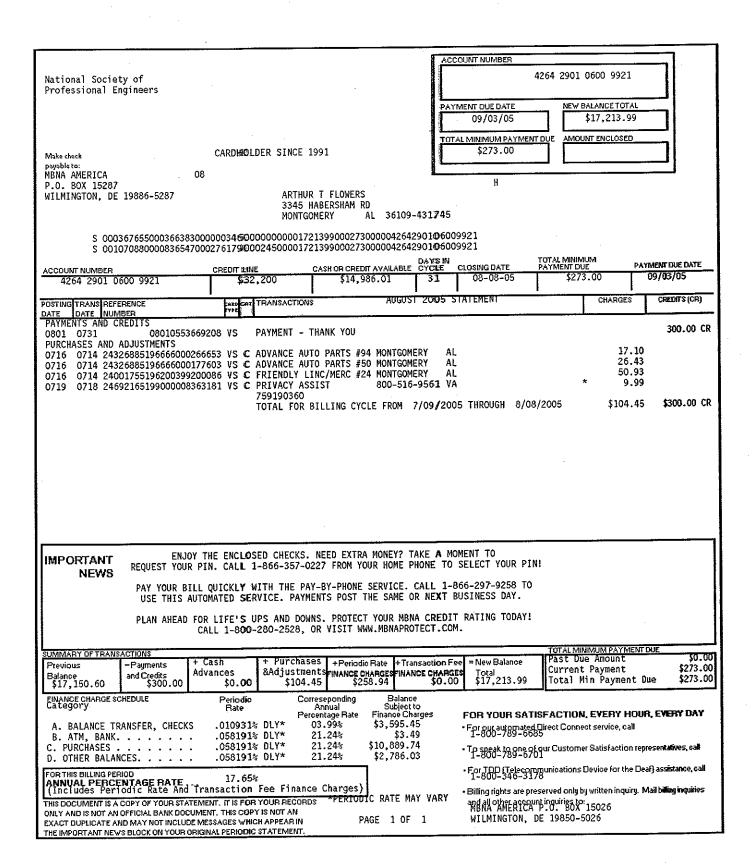
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and all other account inquiries to: 15026

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ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL **08/03/05** \$17,150.60 TOTAL MINIMUM PAYMENT DUE AMOUNT ENCLOSED CARDHOLDER SINCE 1991 \$258.00 Make check payable to: MBNA AMERICA 80 P.O. BOX 15287 H WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY S 000396383000395020000000340000000000001715060000258000004264290106009921 \$ 00105157200083554800027145700024500001715060000258000004264290106009921 CASHOR CREDIT AVAILABLE CYCLE TOTAL MINIMUM PAYMENT DUE PAYMENT DUE DATE CLOSSING DATE ACCOUNT NUMBER CREDIT LINE 4264 2901 0600 9921 08/03/05 \$32,200 \$15,049.40 30 07-08-05 \$258,00 JULY 2005 STATEMENT CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS CHARGES TRAMSACTIONS 300.00 CR 0630 18143548594 VS PAYMENT - THANK YOU PURCHASES AND ADJUSTMENTS 0615 0614 24692165165000371379541 VS C PRIWACY ASSIST 800-516-9561 VA 9.99 738196730 \$300,00 CR TOTAL FOR BILLING CYCLE FROM 6/09/2005 THROUGH 7/08/2005 \$9.99 ENJOY THE ENCLOSED CHECKS. NEED EXTRA MONEY? TAKE A MOMENT TO **IMPORTANT** REQUEST YOUR PIN. CALL 1-866-357-0227 FROM YOUR HOME PHONE TO SELECT YOUR PIN! **NEWS** PAY YOUR BILL OUICKLY WITH THE PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. PAYMENTS POST THE SAME OR NEXT BUSINESS DAY. PLAN AHEAD FOR LIFE'S UPS AND DOWNS. PROTECT YOUR MBNA CREDIT RATING TODAY! CALL 1-800-280-2528, OR VISIT WWW.MBNAPROTECT.COM. SUMMARY OF TRANSACTIONS TOTAL MINIMUM PAYMENT DU Past Due Amount + Purchases | +Periodic Rate | +Transaction Fee + Cash Previous -Pauments = New Balance &Adjustments | NANCE CHARGES | NANCE CHARGE \$9.99 \$243.09 \$0.00 Current Payment \$258.00 Advances and Credits \$300.00 Balance \$17,197.52 Total \$17,150.60 \$258.00 Total Min Payment Due \$0.00 FINANCE CHARGE SCHEDULE Category Correseponding Annual Percentage Rate 03.99% Balance Periodic Rate Subject to Finance Charges FOR YOUR SATISFACTION, EVERY HOUR, EVERY GAY \$3,880.08 .010931% DLY\* A. BALANCE TRANSFER, CHECKS For our automated Direct Connect service, call 1-800-789-6685 \$3.43 .057506% DLY\* 20.99% B. ATM, BANK. . . . . . . \$10,612.26 .057506% DLY\* 20.99% C. PURCHASES . To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701 .057506% DLY\* \$2,737.33 D. OTHER BALANCES. . . . . 20.99% FOR THIS BILLING PERIOD • For TDD (Telecoromunications Device for the Deaf) assistance call 1-800-346-3178 17.16% ANNUAL PERCENTAGE RATE 17.16% (Includes Periodic Rate And Transaction Fee Finance Charges)

\*PEŘIOĎÍC RATE MAY VARY



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ACCOUNT NUMBER National Society of 4264 2901 0600 9921 Professional Engineers PAYMENT DUE DATE NEW BALANICE TOTAL 10/02/05 \$17,189.94 <u>TOTAL MINIMUM PAYMENT DUE</u> AMOUNT ENCLOSED \$15 REDUCED PMT CARDHOLDER SINCE 1991 Make check ayable to: MBNA AMERICA 08 P.O. BOX 15287 WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS 3345 HABERSHAM RD MONTGOMERY AL 361109-431745 S 0003388730003376550**00**00035200000000017189940000150000042264290106009921 5 001100970000846992000281204000245000017189940000150000042264290106009921 TOTAL MINIMUM PAYMENT DUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE CREDIT LINE ACCOUNT NUMBER 4264 2901 0600 9921 \$34,200 \$15 REDUCED PMT 10/02/05 \$17,010.06 31 09-08-05 SEPTEMBER 2005 STATEMENT CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER FRANSACTIONS CHARGES DATE DATE NUMBER
PAYMENTS AND CREDITS 300,00 CR PAYMENT - THANK YOU 24463074592 VS 1000 PURCHASES AND ADJUSTMENTS 0817 0816 24692165228000323395608 VS C PRIVACY ASSIST 9.99 800-516-9561 VA 779375220 TOTAL FOR BILLING CYCLE FROM 8/09/2005 THROUGH 9/08/2005 \$9.99 \$300.00 CR AN IMPORTANT AMENDMENT TO YOUR ACCOUNT TERMS IS ENCLOSED. IMPORTANT REDUCED PAYMENT OFFER: PAY ONLY \$15 THIS MONTH. REGULAR PAYMENTS WILL RESUME NEXT MONTH. FINANCE CHARGES WILL CONTINUE TO ACCRUE. PAYING ONLY THE REDUCED PAYMENT AMOUNT MAY NOT BE ENOUGH TO PAY OFF YOUR FINANCE CHARGES. PLEASE **NEWS** REMEMBER TO PAY ON TIME TO AVOID LATE FEES. ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER. OTAL MINIMUM PAYMENT DUE UMMARY OF TRANSACTIONS \$0.00 Purchases +Periodic Rate +Transaction Fee Past Due Amount = New Balance Previous -Pauments &Adjustments FINANCE CHARGES FINANCE CHARGES \$9.99 \$265.96 \$0.00 Current Payment (Reg) \$280.00 Balance \$17,213.99 Advances and Credits \$300.00 Total \$17,189.94 Min Payment Due (Redú \$15.00 \$0.00 FINANCE CHARGE SCHEDULE Category Correseponding Annual Percentage Rate Periodic Rate Balance Subject to Finance Charges FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY \$3,316.84 A. BALANCE TRANSFER, CHECKS .010931% DLY\* 03.99% • For our automated Direct Connect service, call 1-800-789-6685 B. ATM, BANK. . . . . . . .058876% DLY\* 21.49% \$3.55 • To speak to one of our Customer Satisfaction representatives, call 1–800–789–6701 C. PURCHASES . .058876% DLY\* 21.49% \$11,115.28 D. OTHER BALANCES. . . . . . .058876% DLY\* 21.49% \$2,837.02 - For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3178 FOR THIS BILLING PERIOD
ANNUAL PERCENTAGE RATE
(Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS \*PERIODIC RATE MAY VARY MBNA AMERICA P.O. BOX 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN

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WILMINGTON, DE 19850-5026

ACCIDUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL \$17,387.15 11/03/05 TOTAL MINIMUM PAYMENT DUE AMOUNT ENCLOSED CARDHOLDER SINCE 1991 \$315,00 Make check pavable to: MBNA AMERICA 80 P.O. BOX 15287 WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS 3345 HABERSHAM RD MONTGOMERY AL 36109-431745 \$ 00000000000000000000000003580**000**000000173871500031500000426429010600**99**21 \$ 001122257000847991000596379000555387301738715000315000004264290106009921 CASH OR CREDIT AVAILABLE CYCLE TOTAL MINIMUM PAYMENT DUE PAYMENT DUE DATE CLOSING DATE ACCOUNT NUMBER CREDIT LINE 11/03/05 \$34,200 4264 2901 0600 9921 \$16,812.85 29 10-07-05 OCTOBER 2005 STATEMEN CHARGES CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER TRANSACTIONS PAYMENTS AND CREDITS 300.00 CR 0930 27353979039 VS PAYMENT - THANK YOU PURCHASES AND ADJUSTMENTS 9.99 0917 0916 24692165259000861460022 VS C PRIVACY ASSIST 800-516-9561 VA 800881750 186.99 0921 0919 24326885263207453900080 VS C WET PETS MONTGOMERY TOTAL FOR BILLING CYCLE FROM 9/09/2005 THROUGH 10/07/2005 \$300.00 CR \$196.98 CALL 1-888-515-3306 TO SIMPLIFY YOUR FINANCES INTO ONE MONTHLY PAYMENT. IMPORTANT **NEWS** PAY YOUR BILL QUICKLY WITH THE PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. PAYMENTS POST THE SAME OR NEXT BUSINESS DAY. YOU'RE ENTITLED TO A FREE YEAR OF YOUR FAVORITE MAGAZINES VALUED UP TO \$100.00. CALL 1-800-344-7569 BEFORE 12/10/05 FOR DETAILS AND TO SELECT YOUR FAVORITES. UMMARY OF TRANSACTIONS TOTAL MINIMUM PAYMENT DUE \$0.00 Past Due Amount + Cash Purchases +Periodic Rate +Transaction Fee = New Balance Previous -Pauments &Adjustments in Ance Charges in Ance Charge: \$196.98 \$300.23 \$0.00 Current Payment \$315.00 and Credits \$300.00 Advances Total \$17,387.15 \$17,189.94 Total Min Payment Due \$315.00 \$0.00 FINANCE CHARGE SCHEDULE Category Periodic Rate Correseponding Annual Subject to Finance Charges Percentage Rate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY \$0.00 06.99% A. BALANCE TRANSFER, CHECKS .019150% DLY\* For our automated Direct Connect service, call 1-800-769-6685 21.74% \$2.62 .059561% DLY\* B. ATM, BANK. . . . . . . . 21.74% .059561% DLY\* \$11,365.50 C. PURCHASES . To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701 .059561% DLY\* 21.74% \$6,013.79 D. OTHER BALANCES. . . . . . For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3178 FOR THIS BILLING PERIOD 21.74% ANNUAL PERCENTAGE RATE 21.74% (Includes Periodic Rate And Transaction Fee Finance Charges)

ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers NEW BALANCE TOTAL PAYMENT DUE DATE 12/02/05 \$17,405.03 TOTAL MINIMUM PAYMENT DUE AMOUNT ENGLOSED \$15 REDUCED PMT CARDHOLDER SINCE 1991 Make check pauable to: MBNA AMERICA 08 P.O. BOX 15287 WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY \$ 0011319450008676890006**06**766000553873017405030000150000042642**90**106009921 TOTAL MINIMUM PAYMENT DUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE **CLOSING DATE** ACCOUNT NUMBER CREDIT LINE 12/02/05 11-08-05 \$15 REDUCED P門 \$34,200 \$16,794.97 4264 2901 0600 9921 32 CREDITS (CR) NOVEMBER 2005 STATEMENT CHARGES TRANSACTIONS POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS 325.00 CR 1031 30462335848 VS PAYMENT - THANK YOU PURCHASES AND ADJUSTMENTS 9.99 800-516-9561 VA 1014 1013 24692165286000075606482 VS C PRIVACY ASSIST 820165900 TOTAL FOR BILLING CYCLE FROM 10/08/2005 THROUGH 11/08/2005 \$9.99 \$325.00 CR REDUCED PAYMENT OFFER: PAY ONLY \$15 THIS MONTH. REGULAR PAYMENTS WILL RESUME IMPORTANT NEXT MONTH. FINANCE CHARGES WILL CONTINUE TO ACCRUE. PAYING ONLY THE REDUCED PAYMENT AMOUNT MAY NOT BE ENOUGH TO PAY OFF YOUR FINANCE CHARGES. PLEASE **NEWS** REMEMBER TO PAY ON TIME TO AVOID LATE FEES. FNJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER. PAY YOUR BILL QUICKLY WITH THE PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. PAYMENTS POST THE SAME OR NEXT BUSINESS DAY. OTAL MINIMUM PAYMENT DU SUMMARY OF TRANSACTIONS \$0.00 Past Due Amount Purchases ■ New Balance Cash +Periodic Rate +Transaction Fee -Payments Previous &Adjustments FINANCE CHARGES \$9.99 \$332.89 \$347.00 Current Payment (Reg) and Credits \$325.00 FINANCE CHARGES \$0.00 Advances Total \$17,405.03 Balance \$17,387.15 \$15.00 Min Payment Due (Redu \$0.00 EINANCE CHARGE SCHEDULE Category Balance Subject to Finance Charges Correseponding Annual Percentage Rate 06.99% Periodic Flate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY \$0.00 A. BALANCE TRANSFER, CHECKS .019150% DLY\* For our automated Direct Connect service, call 1-800-789-6685 \$0.00 .059561% DLY\* 21.74% B. ATM, BANK. . . . . . . . . • To speak to one of our Customer Satisfaction representatives, call 1–800–789–6701 21.74% \$11,341.46 .059561% DLY\* C. PURCHASES . 21.74% \$6,124.01 .059561% DLY\* D. OTHER BALANCES. . . . . . For TDD [Telecopyrunications Device for the Beaf] assistance, call 1-800-346-3178 FOR THIS BILLING PERIOD 21.74% ANNUAL PERCENTAGE RATE 21.74% (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries <u> ~PEŘIOĎÍ</u>C RATE MAY VARY THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS MBNA AMERICA P.O. 180X 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN WILMINGTON, DE 19850-5026 PAGE 1 OF 1 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

ACCOUNT NUMERER 4264 2901 0600 9921 National Society of Professional Engineers NEW BALANCE TOTAL PAYMENT DUE DANTE 01/04/006 \$17,370.35 AMOUNT ENCLOSED TOTAL MINIMUMPAPAYMENT DUE CARDHOLDER SINCE 1991 \$475\_000 Make check MBNA AMERICA മ P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD MONTEGOMERY AL 36109-431745 \$ 00112206500086868800061843800055387301737035000475000004264290106009921 TOTAL MINIMUM PAYMENT DUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE ACCOUNT NUMBER CREDIT LINE 01/04/06 4264 2901 0600 9921 \$34,200 \$16,829.65 29 12-07-05 DECEMBER 2005 STATEMENT CREDITS (CR) POSTING TRANS REFERENCE
DATE DATE NUMBER
PAYMENTS AND CREDITS CHARGES 350,00 CR PAYMENT - THANK YOU 33555765707 VS 1201 PURCHASES AND ADJUSTMENTS 9.99 1116 1115 24717055319733196891600 VS C MBNA PRIVACY ASSIST WILMINGTON \$350.00 CR \$9.99 TOTAL FOR BILLING CYCLE FROM 11/09/2005 THROUGH 12/07/2005 ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER. IMPORTANT **NEWS** PAY YOUR BILL QUICKLY WITH THE PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. PAYMENTS POST THE SAME OR NEXT BUSINESS DAY. PLAN AHEAD FOR LIFE'S UPS AND DOWNS. HELP PROTECT YOUR MBNA ACCOUNT TODAY! ENROLL AT MBNAPROTECT.COM OR CALL 1-800-280-2528. OTAL MINIMUM PAYMENT DUE + Purchases | +Periodic Rate | +Transaction Fee \$0.00 Past Due Amount Cash = New Balance Previous -Payments Current Payment 8Adjustmentsfinance changes finance changes \$9.99 \$305.33 \$0.00 \$475.00 Advances and Credits \$350.00 Balance \$17,405.03 \$17,370.35 \$475.00 Total Min Payment Due \$0.00 FINANCE CHARGE SCHEDULE Category Correseponding Annual Percentage Rate Periodic Rate Balance Subject to Finance Charges FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY \$0.00 \$0.00 .019150% DLY\* 06.99% For our automated Direct Connect service, call 1-800-789-6685 A. BALANCE TRANSFER, CHECKS .060246% DLY\* 21.99% B. ATM, BANK. . . . . . . . C. PURCHASES . - To speak to one of our Customer Satisfaction representatives, call 1–800–789–6701 .060246% DLY\* 21.99% \$11,239.14 \$6,236.83 .060246% DLY\* 21.99% D. OTHER BALANCES. . . . . . - For TDD (Telecommunications Device for the Beaf) assistance, call 1-800-346-31/8 FOR THIS BILLING PERIOD 21.99% ANNUAL PERCENTAGE RATE 21.99% (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries \*PEŘTOĎÍC RATE MAY VARY THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS MBNA AMERICA P.O. BOX 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN PAGE 1 OF 1 WILMINGTON, DE 19850-5026 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN

ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL \$17,255.86 02/02/06 AMOUNT ENGLOSED TOTAL MINIMUM PAYMENT DUE: \$519.00 CARDHOLDER SINCE 1991 Make check pavable to: 08 MBNA AMERICA P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY S 0011077010**00**869687000629334000553873017255860005**19**0000004264290106009921 TOTAL MINIMUM PAYMENT DUE DAYS IN CASH OR CREEDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE ACCOUNT NUMBER CREDIT LINE \$519.00 02/02/06 \$16,944.14 01-09-06 4264 2901 0600 9921 \$34,200 CREDITS (CR) JANUARY 2006 STATEMENT CHARGES TRANSACTIONS POSTING TRANS REFERENCE DATE NUMBER PAYMENTS AND CREDITS 475.00 CR PAYMENT - THANK YOU 0102 00254495459 VS PURCHASES AND ADJUSTMENTS 9.99 WILMINGTON 1220 1219 24717055353733535131608 VS C MBNA PRIVACY ASSIST TOTAL FOR BILLING CYCLE FROM 12/08/2005 THROUGH 1/09/2006 \$475,00 CR \$9.99 \*\*\*IMPORTANT AMENDMENT\*\*\* EFFECTIVE THE FIRST DAY FOLLOWING YOUR STATEMENT IMPORTANT CLOSING DATE IN FEBRUARY 2006, IF YOU PAY LATE, THE AMOUNT OF A LATE FEE WILL BE BASED ON YOUR BALANCE ON THE LATE FEE POSTING DATE. REMINDER: TO AVOID A LATE FEE WE MUST RECEIVE EACH TOTAL MINIMUM PAYMENT DUE BY ITS PAYMENT DUE DATE NEWS ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER. PAY YOUR BILL QUICKLY WITH PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. YOUR PAYMENT POSTS THE SAME OR NEXT BUSINESS DAY. TOTAL MINIMUM PAYMENT DUE Past Due Amount SUMMARY OF TRA CTIONS Punchases +Periodic Rate +Transaction Fee = New Balance Cash -Payments Previous Current Payment \$519.00 &AdjustmentsFinance ChargesFinance Charges \$9.99 \$350.52 \$0.00 Advances and Credits \$475.00 Total \$17.255.86 Balance \$17,370.35 \$519.00 Total Min Payment Due \$0.00 FINANCE CHARGE SCHEDULE Category Correseponding Annual Percentage Rate Periodic Rate Balance Subject to Finance Charges FOR YOUR SATISFACTION, EYERY HOUR, EYERY DAY 06.99% \$0.00 • For our automated Direct Connect service, call 1-800-789-6685 A. BALANCE TRANSFER, CHECKS .019150% DLY\* .060931% DLY\* 22.24% \$0.00 B. ATM, BANK. . . . . . . . . . - To speak to one of our Customer Satisfaction representatives, call 1-800-789-5701 .060931% DLY\* 22.24% \$11,076.99 C. PURCHASES \$6,355.08 .060931% DLY\* 22.24% D. OTHER BALANCES. . . . . . - For TDD (Telecoromunications Device for the Deaf) assistance, call 1–800–346–3178 FOR THIS BILLING PERIOD 22.24% ANNUAL PERCENTAGE RATE (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries \*PERIODIC RATE MAY VARY THIS DOCUMENT IS A COPY OF YOUR STATEMENT, IT IS FOR YOUR RECORDS and all other account inquiries to: MBNA AMERICA P.C. BOX: 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN WILMINGTON, DE 19850-5026 PAGE 1 OF 1 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

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ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYIMENT DUE DATE NEW BALANCE TOTAL 03/03/06 \$17,074.96 TOTAL MINIMUM PAYMENT DUE AMOUNT ENCLOSED CARDHOLDER SINCE 1991 \$473.00 Make check payable to: MBNA AMERICA 80 P.O. BOX 15287 WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS 3345 HABERSHAM RD MONTGOMERY AL 36109-431745 \$ 00108347400087068600064211200055387301707496000473000004264290106009921 TOTAL MINIMUM PAYMENT DUE DAYS IN CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE CREDIT LIME ACCOUNT NUMBER \$34,200 03/03/06 4264 2901 0600 9921 \$17,125.04 02-07-06 \$473.00 CREDITS (CR) FEBRUARY 2006 STATEMENT TRANSACTIONS POSTING TRANS REFERENCE DATE DATE NUMBER
PAYMENTS AND CREDITS 520,00 CR PAYMENT - THANK YOU 03363213687 VS 0202 PURCHASES AND ADJUSTMENTS 0113 0111 24472686012952327520410 VS C HELM AUTOMOTIVE MANUAL 313-7331923 ME 22.95 62085999 0118 0117 24717056017130178690147 VS C MBNA PRIVACY ASSIST 9.99 WILMINGTON DΕ \$520.00 CR TOTAL FOR BILLING CYCLE FROM 1/10/2006 THROUGH 2/07/2006 \$32.94 ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER. IMPORTANT NEWS NEED THE PERFECT GIFT FOR YOUR VALUED EMPLOYEES, RESPECTED COLLEAGUES, OR CLOSE FRIENDS? FIND GIFT CARDS FOR EVERY OCCASION AT WWW.MBNAGIFTCARD.COM. PAY YOUR BILL QUICKLY WITH PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. YOUR PAYMENT POSTS THE SAME OR NEXT BUSINESS DAY. TOTAL MINIMUM PAYMENT DUE Past Due Amount SUMMARY OF TRANSACTIONS + Purchases | +Periodic Rate | +Transaction Fee Cash ≠ New Balance Previous -Payments Current Payment \$473.00 Advances 8Adjustments in Ance Charges in Ance Charge and Credits \$520.00 Balance \$17,255.86 Total \$17,074.96 Total Min Payment Due \$0.00 \$32.94 FINANCE CHARGE SCHEDULE Category Periodic Raté Correseponding Annual Balance Subject to Finance Charges Percentage Rate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY A. BALANCE TRANSFER, CHECKS .010931% DLY\* 03.99% \$0.00 For our automated Direct Connect service, call 1-800-789-6685 \$0.00 B. ATM, BANK. . . . . . . . .060931% DLY\* 22.24% \$10,849.89 C. PURCHASES . .060931% DLY\* 22.24% - To speak to one of our Customer Satisfaction represe**ntatives, call** 1-800-789-6701 D. OTHER BALANCES. . . . . . .060931% DLY\* 22.24% \$6,476.20 For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-31/8 FOR THIS BILLING PERIOD 22.24% ANNUAL PERCENTAGE RATE 22.24%
(Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries \*PERTUDIC RATE MAY VARY THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS and all other account inquiries to: 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN WILMINGTON, DE 19850-5026 PAGE 1 OF 1

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ACCOUNTANUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT TOUE DATE NEW BALANCE TOTAL 04/02/06 \$16,915.77 AMOUNT ENCLOSED <u>TOTAL MIMIMUM PAYMENT DU</u>E CARDHOLDER SINCE 1991 \$15 REDUCED PMT Make check MBNA AMERICA 80 P.O. BOX 15287 WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY S 001053941000873980000653555000553487301691577000015000004264290106009921 CASH OR CREDIT AVAILABLE CYCLE TOTAL MINIMUM PAYMENT DUE PAYMENT DUE DATE CLOSING DATE CREDIT LINE ACCOUNT NUMBER \$15 REDUCED 04/02/06 4264 2901 0600 9921 \$34,200 \$17,284.23 29 03-08-06MARCH 2006 STATEMENT CHARGES CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS TRANSACTIONS 475.00 CR 06155925069 VS 0302 PAYMENT - THANK YOU PURCHASES AND ADJUSTMENTS WILMINGTON 9.99 0218 0217 24717056048130488792180 VS C MBNA PRIVACY ASSIST DF \$9.99 \$475.00 CR TOTAL FOR BILLING CYCLE FROM 2/08/2006 THROUGH 3/08/2006 REDUCED PAYMENT OFFER: PAY ONLY \$15 THIS MONTH. REGULAR PAYMENTS WILL RESUME IMPORTANT NEXT MONTH. FINANCE CHARGES WILL CONTINUE TO ACCRUE. PAYING ONLY THE REDUCED PAYMENT AMOUNT MAY NOT BE ENOUGH TO PAY OFF YOUR FINANCE CHARGES. PLEASE REMEMBER TO PAY ON TIME TO AVOID LATE FEES. **NEWS** ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER. PLAN AHEAD FOR LIFE'S UPS AND DOWNS. HELP PROTECT YOUR MBNA ACCOUNT TODAY! ENROLL AT MBNAPROTECT.COM OR CALL 1-800-280-2528. TOTAL MINIMUM PAYMENT DUE Past Due Amount SUMMARY OF TRANSACTIONS \$0.00 Purchases +Periodic Rate +Transaction Fee Cash = New Balance Previous -Payments &Adjustments FINANCE CHARGES FINANCE CHARGE \$9.99 \$305.82 \$0.00 \$471.00 Current Payment (Reg) Advances and Credits \$475,00 Total \$16,915.77 Balance \$17,074.96 \$0.00 Min Payment Due (Redu \$15.00 ENANCE CHARGE SCHEDULE Category Balance Subject to Finance Charges Correseponding Annual Periodic Bate Percentage Rate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY 03.99% \$0.00 .010931% DLY\* A. BALANCE TRANSFER, CHECKS For our automated Direct Connect service, call 1–800–789–6685 22.49% \$0.00 .061616% DLY\* B. ATM, BANK. . . . . . . 22.49% \$10,522.89 .061616% DLY\* To speak to one of our Customer Satisfaction representatives, call 1–800–789–6701 C. PURCHASES . \$6,592.24 .061616% DLY\* 22.49% D. OTHER BALANCES. . . . . . • For TDD (Telecorumunications Device for the Deaf) assistance, call 1-800-346-3178 FOR THIS BILLING PERIOD 22.49% ANNUAL PERCENTAGE RATE 22.49%
(Includes Periodic Rate And Transaction Fee Finance Charges)
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THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

WILMINGTON, DE 19850-5026

ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers RAYMENT DUE DATE NEW BALANCE TOTAL 05/03/06 \$16,857.40 TOTTAL MINIMUM PAYMENT THE AMOUNT ENCLOSED CARDMOLDER SINCE 1991 \$483.00 Make check avable to: MBNA AMERICA 08 P.O. BOX 15287 WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS 3345 HABERSHAM RD MONTGOMERY AL 36109-431745 \$ 00102624300087497900066533400055387301685740000483000004264290106009921 TOTAL MINIMUM PAYMENT DUE PAYMENT DUE DATE CASH OR CREDIT AVAILABLE CLOSING DATE ACCOUNT NUMBER CREDIT WINE 4264 2901 0600 9921 \$34,200 \$17,342.60 04-07-06 \$483.00 05/03/06 APRIL 2006 STATEMENT CREDITS (CR) POSTING TRANS REFERENCE TRANSACTIONS CHARGES DATE DATE NUMBER
PAYMENTS AND CREDITS PAYMENT - THANK YOU 450.00 CR 04030652306529 VS 0403 0402 PURCHASES AND ADJUSTMENTS 63.20 0316 0315 24093186074207373202453 VS C 1-800-SUNBEAM.COM 847-647-8250 IL 9921 0318 0317 24717056076130767256407 VS C MBNA PRIVACY ASSIST WILMINGTON 9.99 TOTAL FOR BILLING CYCLE FROM 3/09/2006 THROUGH 4/07/2006 \$73.19 \$450.00 CR ENJOY THE CONVENIENCE AND FLEXIBILITY OF THE ENCLOSED CHECKS. IMPORTANT **NEWS** PAY YOUR BILL QUICKLY WITH PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. YOUR PAYMENT POSTS THE SAME OR NEXT BUSINESS DAY. PLAN AHEAD FOR LIFE'S UPS AND DOWNS. HELP PROTECT YOUR MBNA ACCOUNT TODAY! ENROLL AT MBNAPROTECT.COM OR CALL 1-800-280-2528. GIFT GIVING IS EASY! PURCHASE MBNA GIFT CARDS TODAY AT WWW.MBNAGIFTCARD.COM. SUMMARY OF TRANS \$0.00 Cash Past Due Amount ≠ New Balance Previous -Payments \$483.00 Current Payment Advances &Adjustments and Credits \$450.00 Total \$16,857.40 Total Min Payment Due \$483,00 \$16,915.77 \$0.00 FINANCE CHARGE SCHEDULE Category Periodic Rate Correseponding Balance Subject to Finance Charges Applia Percentage Rate FOR YOUR SATISFACTION, EYERY HOUR, EVERY DAY A. BALANCE TRANSFER, CHECKS .010931% DLY\* 03.99% \$0.00 For our automated Direct Connect service, call 1-800-789-6685 B. ATM, BANK. . . . . . . .062301% DLY\* 22.74% \$0.00 C. PURCHASES . .0623**01**% DLY\* 22.74% \$10,323.83 To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701 D. OTHER BALANCES. . . . . .0623**01**% DLY\* 22.74% \$6,713.79 For TOD (Telecoromunications Device for the Deaf) assistance, call 1-800-346-3178 FOR THIS BILLING PERIOD 22.74% ANNUAL PERCENTAGE RATE 22.74%
(Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries \*PEŘIODÍC RATE MAY VARY THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS and all other account inquiries to: ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN

PAGE 1 OF 1

ACCOUNT NUMBER 4264 2901 @600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL \$17,474.93 06/03/06 <u>TOTAL MINIMUM PAYMENT DUE</u> AMOUNT ENGLOSED CARDHOLDER SINCE 1991 \$501.00 Make check MBNA AMERICA 80 P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD MONTGOMERY 36109-431745 S 00100785800088229800067788200055387301747493000501000@04264290106009921 CASH OR CREDIT AVAILABLE CYCLE TOTAL MINIMUM PAYMENT DUE PAYMENT DUE DATE **CLOSING DATE** CREDIT LINE ACCOUNT NUMBER \$501 00 06/03/06 \$34,200 \$16,725.07 31 05-08-06 4264 2901 0600 9921 CREDITS (CR) MAY 2006 STATEMENT CHARGES POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS TRANSACTIONS 485.00 CR 12163769348 VS PAYMENT - THANK YOU 0501 CASH ADVANCE TRANSACTIONS 740.16 0421 0417 64264296111000127600093 VS A WELLS FARGO CHECK # 011674 0417 64264296111000127600093 VS A CHECK TRANSACTION FEE 22,20 PURCHASES AND ADJUSTMENTS 0418 0417 24717056107121076318098 VS C MBNA PRIVACY ASSIST 9.99 WILMINGTON \$485.00 CR TOTAL FOR BILLING CYCLE FROM 4/08/2006 THROUGH 5/08/2006 \$772.35 CALL 1-888-281-6262 TO SIMPLIFY YOUR FINANCES INTO ONE MONTHLY PAYMENT. IMPORTANT PAY YOUR BILL QUICKLY WITH PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO NEWS USE THIS AUTOMATED SERVICE. YOUR PAYMENT POSTS THE SAME OR NEXT BUSINESS DAY. PLAN AHEAD FOR LIFE'S UPS AND DOWNS. HELP PROTECT YOUR MBNA ACCOUNT TODAY! ENROLL AT MBNAPROTECT.COM OR CALL 1-800-280-2528. CHANGE ADDRESS & SEE 12 MONTHS OF STATEMENTS WWW.MBNA.COM. TOTAL MINIMUM PAYMENT DUE SUMMARY OF TRANSACTIONS \$0.00 Past Due Amount Purchases = New Balance +Periodic Rate +Transaction Fee -Payments Previous Current Payment \$501.00 &Adjustments FINANCE CHARGES FINANCE CHARGE \$9.99 \$330.18 \$22.20 **Advances** and Credits \$485.00 Total \$17,474.93 Balance \$16,857.40 \$501.00 Total Min Payment Due \$740.16 \$9.99 Correseponding Annual Periodic Rate FINANCE CHARGE SCHEDULE Category Balance Subject to Finance Charges Percentage Rate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY .010931% DLY\* 03.99% \$416.44 A. BALANCE TRANSFER, CHECKS For our automated Direct Connect service, call 1-800-789-6685 B. ATM, BANK. . . . . . . .062301% DLY\* 22.74% \$0.00 To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701 C. PURCHASES . .062301% DLY\* 22.74% \$10,180.47 D. OTHER BALANCES. . . . . . .062301% DLY\* 22.74% \$6,842.55 - For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-31/823.81% ANNUAL PERCENTAGE RATE 23.81% (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries PERIODIC RATE MAY VARY THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS MBNA AMERICA P.O. BOX 15026 WILMINGTON, DE 19850-5026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN PAGE 1 OF 1 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

OTAL MINIMUM PAYMENT DUE

ACCOUNT NUMBER National Society of 4264 2901 0600 9921 Professional Engineers NEW BALANCE TOTAL PAYMENT QUE DATE 07/05/06 \$17,318.76 TOTAL MINIMUM PAYMENT DUE AMOUNT ENGLOSED \$508.00 CARDHOLDER SINCE 1991 Make check payable to: MBNA AMERICA 08 P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY \$ 000027877000027736000000000000000001731876000508000004264290106009921 \$ 00102851900088329700069109700055387301731876000508000004264290106009921 TOTAL MINIMUM CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE PAYMENT DUE ACCOUNT NUMBER CREDIT LIME \$34,200 \$16,881.24 31 06-08-06 \$508.00 07/05/06 4264 2901 0600 9921 POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS JUNE 2006 STATEMENT CREDITS (CR) TRANSACTIONS CHARGES 505.00 CR 15354509445 VS PAYMENT - THANK YOU 0602 PURCHASES AND ADJUSTMENTS 9.99 0517 0516 24717056136131369830878 VS C MBNA PRIVACY ASSIST WILMINGTON DE TOTAL FOR BILLING CYCLE FROM 5/09/2006 THROUGH 6/08/2006 \$9.99 \$505.00 CR

#### IMPORTANT **NEWS**

SUMMARY OF TRANSACTIONS

CALL 1-888-281-6262 TO SIMPLIFY YOUR FINANCES INTO ONE MONTHLY PAYMENT.

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PAY YOUR BILL QUICKLY WITH PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. YOUR PAYMENT POSTS THE SAME OR NEXT BUSINESS DAY.

GIFT GIVING IS EASY! PURCHASE MBNA GIFT CARDS TODAY AT WWW.MBNAGIFTCARD.COM.

SUMMARY OF TRANS	ACTIONS						TOTAL WINNING INTENT DOC	88 883
Previous Balance \$17,474.93	-Payments and Credits \$505.00	+ Cash Advances \$0.00	+ Purchases &Adjustments \$9.99	+Periodic Rate FINANCE CHARGES \$338.84	+Transaction Fee FINANCE CHARGES \$0.00	Total	Past Due Amount Current Payment Total Min Payment Due	\$0.00 \$508.00 \$508.00
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ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers NEW BALANCE TOTAL PAYMENT DUE DATE 08/03/06 \$17,455.11 TOTAL MINIMUM PAYMENT DUE AMOUNT ENCHOSED \$527.00 CARDHOLDER SINCE 1991 Make check payable to: MBNA AMERICA 08 P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY S 000000073000000000000<del>000</del>00000000000001745611000527000004264290106009921 S 001027084000884296000**70**471900055387301745611000527000004264**29**0106009921 TOTAL MINIMUM PAYMENT DUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CLOSING DATE ACCOUNT NUMBER CREDIT LINE 08/03/06 \$34,200 4264 2901 0600 9921 \$16,743.89 32 07-10-06 JULY 2006 STATEMENT CHARGES CREDITS (CR) AT TRANSACTIONS POSTING TRANS REFERENCE PAYMENTS AND CREDITS 510.00 CR 07030563246886 VS PAYMENT - THANK YOU 0703 0702 PURCHASES AND ADJUSTMENTS 9.99 0617 0616 24717056167731672655326 VS C MBNA PRIVACY ASSIST 800-5169561 DE 001061616450450 280.72 0626 0624 24326886176666000560099 VS C ADVANCE AUTO PARTS #94 MONTGOMERY ΑL \$510.00 CR TOTAL FOR BILLING CYCLE FROM 6/09/2006 THROUGH 7/10/2006 \$290.71 YOUR 2006 BANK OF AMERICA PRIVACY POLICY FOR CONSUMERS IS ENCLOSED IN THIS IMPORTANT STATEMENT. PLEASE READ THE POLICY CAREFULLY FOR IMPORTANT UPDATES. THIS POLICY REPLACES YOUR PREVIOUS PRIVACY NOTICE. IF YOU HAVE ANY OTHER ACCOUNTS WITH **NEWS** BANK OF AMERICA, YOU MAY RECEIVE MORE THAN ONE COPY OF THE 2006 PRIVACY POLICY. STARTING SOON, ALL PAYMENTS BY PHONE WILL BE MADE ELECTRONICALLY. YOU MAY AUTHORIZE AN ELECTRONIC PAYMENT BY PROVIDING THE PAYMENT AMOUNT AND DATE, YOUR BANK ACCOUNT NUMBER, AND SECURITY INFORMATION. A SERVICE FEE MAY APPLY CANCEL, CALL US BY 3:30PM ET ON THE PAYMENT DATE. PLEASE RETAIN THESE TERMS. TOTAL MINIMUM PAYMENT DUE SUMMARY OF TRAN 50.00 Past Due Amou**n**t + Purchases | +Periodic Rate | +Transaction Fee - Cash ⇒ New Balance Previous -Pauments &Adjustments FINANCE CHARGES FINANCE CHARGE \$290.71 \$356.64 \$0.00 \$527.00 Current Payment Advances Total \$17,456.11 Balance \$17,318.76 and Credits \$510.00 \$527.00 Total Min Payment Due \$0.00 FINANCE CHARGE SCHEDULE Category Correseponding Balance Periodic Pate Annual Percentage Rate 03.99% Subject to Finance Charges FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY .010931% DLY\* \$0.00 For our automated Direct Connect service, call 1-800-789-6685 A. BALANCE TRANSFER, CHECKS \$0.00 23.24% .063671% DLY\* B. ATM, BANK. . . . . . . • To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701 \$10,387.01 .063671% DLY\* 23.24% C. PURCHASES . \$7,117.18 .063671% DLY\* D. OTHER BALANCES. . . . 23.24% - For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-340-\$1/8FOR THIS BILLING REBIOD. 23.24% ANNUAL PERCENTAGE RATE 23.24% (Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries \*PEŘÍOĎÍC RATE MAY VARY THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS and all other account inquiries to: 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN WILMINGTON, DE 19850-5026 PAGE 1 OF 2 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

ACCOUNT NUMBER 4264 2901 @600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BIALANCE TOTAL \$17,456.11 08/03/06 TOTAL MINIMUM PAYMENT DUE AMOUNT ENCLOSED \$527.00 CARDHOLDER SINCE 1991 Make check pauable to: MBNA AMERICA 80 P.O. BOX 15287 ARTHUR T FLOWERS WILMINGTON, DE 19886-5287 3345 HABERSHAM RD MONTGOMERY ΑL 36109-431745 S 00102708400088429600070471900055387301745611000527000004264290106009921 TOTAL MINIMUM PAYMENT DUE DAYS IN CASH OR CREDIT AWAILABLE CYCLE CLOSING DATE PAYMENT DUE DATE CREDIT LINE ACCOUNT NUMBER 07-10-06 \$527.00 08/03/06 \$34,200 32 4264 2901 0600 9921 \$16,743.89 TARDEST TRANSACTIONS 2006 STATEMENT CREDITS (CR) CHARGES POSTING TRANS REFERENCE DATE DATE NUMBER CALL 1-888-281-6262 TO SIMPLIFY YOUR FINANCES INTO ONE MONTHLY PAYMENT. IMPORTANT **NEWS** TOTAL MINIMUM PAYMENT DUE SUMMARY OF TRANSACTIONS \$0.00 Past Due Amount + Cash Purchases +Periodic Rate +Transaction Fee = New Balance Previous -Payments \$527.00 &Adjustments FINANCE CHARGES FINANCE CHARGE \$290.71 \$356.64 \$0.00 Current Payment Advances Total \$17,456.11 and Credits \$510.00 Balance \$17,318.76 \$527,00 \$0.00 Total Min Payment Due FINANCE CHARGE SCHEDULE Category Balance Subject to Finance Charges Correseponding Annual Periodic Rate Percentage Rate FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY .010931% DLY\* • For our automated Direct Connect service, call 1-800-789-6685 \$0.00 A. BALANCE TRANSFER, CHECKS 03.99% \$0.00 .063671% DLY\* 23.24% B. ATM, BANK. . . . . . . . \$10,387.01 \$7,117.18 • To speak to one of our Customer Satisfaction representatives, call 1–800–789–6701 .063671% DLY\* C. PURCHASES . 23.24% .063671% DLY\* 23.24% D. OTHER BALANCES. . . . . . For TDD (Telecommunications Device for the Deaf) assistance, call 1~800-340-3178 FOR THIS BILLING PERIOD 23.24% ANNUAL PERCENTAGE RATE 23.24%
(Includes Periodic Rate And Transaction Fee Finance Charges) Billing rights are preserved only by written inquiry. Mail billing inquiries THIS DOCUMENT IS A COPY OF YOUR STATEMENT, IT IS FOR YOUR RECORDS \*PERIODIC RATE MAY VARY MBAA AMERICA P.O. BOX 15026 ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN WILMINGTON, DE 19850-5026 PAGE 2 OF 2 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

ACCOUNT NUMBER National Society of 4264 2901 0600 9921 Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL 09/03/06 \$17,258.74 AMOUNT ENGLOSED TOTAL MINIMUM PAYM**ERT** DUE CARDHOLDER SINCE 1991 \$492.00 Make check payable to: MBNA AMERICA 08 P.O. BOX 15287 WILMINGTON, DE 19886-5287 ARTHUR T FLOWERS 3345 HABERSHAM RD MONTGOMERY AL 36109-431745 5 00102639100091336700071922000055387301725874000492000004264290106009921 TOTAL MINIMUM PAYMENT DUE CASH OR CREDIT AVAILABLE CYCLE PAYMENT DUE DATE CREDIT LINE ACCOUNT NUMBER \$492.00 09/03/06 4264 2901 0600 9921 \$34,200 \$16,941.26 08-08-06 CARDICAT TRANSACTIONS AUGUST 2006 STATEMENT CREDITS (CR) POSTING TRANS REFERENCE DATE DATE NUMBER PAYMENTS AND CREDITS CHARGES 21352100104 VS 530.00 CR PAYMENT - THANK YOU 0801 PURCHASES AND ADJUSTMENTS 0719 0718 24717056199131997681440 VS C MBNA PRIVACY ASSIST 9.99 800-5169561 DE 639071813566534 TOTAL FOR BILLING CYCLE FROM 7/11/2006 THROUGH 8/08/2006 \$9.99 \$530.00 CR

IMPORTANT **NEWS**  ENJOY THE CONVENIENCE AND FLEXIBILITY OF THE ENCLOSED CHECKS.

MBNA AND BANK OF AMERICA HAVE JOINED FORCES. SIMPLY MANAGE YOUR ACCOUNT AS YOU DO TODAY - ONLINE, MAIL, OR BY PHONE. ACCOUNT NUMBERS AND PIN REMAIN THE SAME.

PAY YOUR BILL QUICKLY WITH PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. YOUR PAYMENT POSTS THE SAME OR NEXT BUSINESS DAY.

SUMMARY OF TRANS	LOTTONIC			····			TOTAL MINIMUM PAYMENT DUE	
Previous Balance \$17,456.11	-Pagments and Credits \$530.00		+ Purchases &Adjustments \$9.99	+Periodic Rate FINANCE CHARGES \$322.64	+Transaction Fee FINANCE CHARGES \$0.00	Total	Past Due Amount Current Payment Total Min Payment Due	\$0.00 \$492.00 \$492.00
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TOTAL MINIMUM PAYMENT DUE

Total Min Payment Due

Past Due Amount

Current Payment

FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY

To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701

• For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-340-3178

Billing rights are preserved only by written inquiry. Mail billing inquiries

• For our automated Direct Connect service, call 1-800-789-6685

MBNA AMERICA P.O. BOX 15026

WILMINGTON, DE 19850-5026

= New Balance

Total \$21,943.46

\$492.00

\$663.00

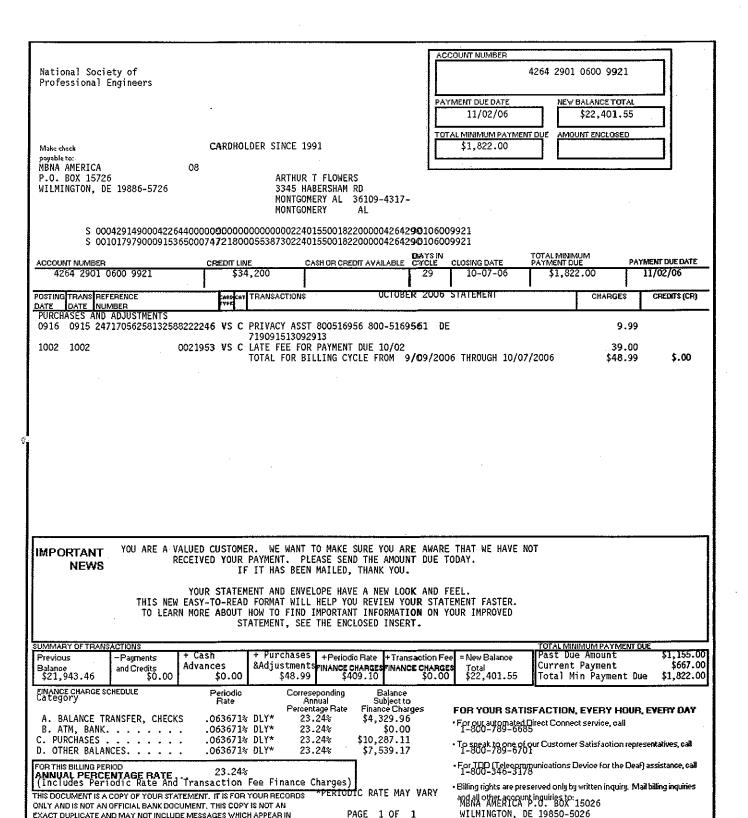
\$1,155.00

ACCOUNT NUMBER 4264 2901 0600 9921 National Society of Professional Engineers PAYMENT DUE DATE NEW BALANCE TOTAL 10/02/06 \$21,943,46 AMOUNT ENGLOSED <u>TOTAL MINIMUM PAYMENT DU</u>E CARDHOLDER SINCE 1991 \$1,155,00 Make check payable to: MBNA AMERICA വദ P.O. BOX 15137 WILMINGTON, DE 19886-5137 ARTHUR T FROWERS 3345 HABERSHAM RD AL 36109-431745 MONTGOMERY \$ 00099325500091436600073261900055387302194346001155000004264290106009921 CASH OR CREDIT AVAILABLE CYCLE TOTAL MINIMUM PAYMENT DUE PAYMENT DUE DATE CLOSING DATE CREDIT LINE \$34,200 \$1,155.00 10/02/06 09-08-06 4264 2901 0600 9921 \$12,256.54 31 ARDICAT TRANSACTIONS SEPTEMBER ZOOD STATEMENT CHARGES CREDITS (CR) POSTING TRANS REFERENCE DATE NUMBER
CASH ADVANCE TRANSACTIONS 4,000.00 0818 0816 64264296230000128317313 VS A SELF CHECK # 205091 75.00 0818 0816 64264296230000128317313 VS A CHECK TRANSACTION FEE 141.44 CHECK # 262151 0818 0816 64264296230000128448498 VS A CHECK 10.00 0818 0816 64264296230000128448498 VS A CHECK TRANSACTION FEE PURCHASES AND ADJUSTMENTS 9.99 0816 0815 24717056227732270856892 VS C PRIVACY ASST 800516956 800-5169561 DE 677081516342308 39.00 0021495 VS C LATE FEE FOR PAYMENT DUE 09/03 0905 0903 \$.00 TOTAL FOR BILLING CYCLE FROM 8/09/2006 THROUGH 9/08/2006 \$4,275,43 OUR RECORDS SHOW YOUR ACCOUNT IS PAST DUE ENJOY THE CONVENIENCE AND FLEXIBILITY OF THE ENCLOSED CHECKS. IMPORTANT **NEWS** MBNA AND BANK OF AMERICA HAVE JOINED FORCES. IN ADDITION TO YOUR EXISTING BENEFITS, YOU'LL ALSO ENJOY A VAST ARRAY OF NEW BANK OF AMERICA SERVICES. PAY YOUR BILL QUICKLY WITH PAY-BY-PHONE SERVICE. CALL 1-866-297-9258 TO USE THIS AUTOMATED SERVICE. YOUR PAYMENT POSTS THE SAME OR NEXT BUSINESS DAY.

+ Purchases | +Periodic Rate | +Transaction Fee &Adjustments | +Periodic Rate | +Transaction Fee Cash -Payments Previous Advances and Credits \$0.00 Balance \$17,258.74 \$4,141.44 EINANCE CHARGE SCHEDULE Category Correseponding Annual Balance Subject to Finance Charges Periodic Bate Percentage Rate A. BALANCE TRANSFER, CHECKS .063671% DLY\* \$3,296.15 23,24% .063671% DLY\* 23.24% \$0.00 B. ATM, BANK. . . . . . . \$10,043.68 C. PURCHASES . .063671% DLY\* 23.24% .063671% DLY\* \$7,396.59 D. OTHER BALANCES. . . . . . 23.24% FOR THIS BILLING PERIOD 27.48% ANNUAL PERCENTAGE RATE . 27.48% (Includes Periodic Rate And Transaction Fee Finance Charges) THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS \*PERTOUTC RATE MAY VARY ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN PAGE 1 OF 1 EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

UMMARY OF TRANSACTIONS

THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.



## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

IN RE:

ARTHUR T FLOWERS JR CASE NUMBER: 06-31560

Debtor

FIA CARD SERVICES, N.A.

Plaintiff

vs ADV NUMBER: 07-03009

ARTHUR T FLOWERS, JR Defendants

#### ANSWER TO COUNTERCLAIM

Comes now the Plaintiff, FIA CARD SERVICES, N.A., by and through its attorney, Barry A Friedman and file its answer to the Defendant's Counterclaim and would show unto the Court as follows:

- 1. Plaintiff denies the allegations in Defendant's Counterclaim and demands strict proof thereof.
- 2. Plaintiff denies the allegations in Defendant's Counterclaim and demands strict proof thereof.

\s\BARRY A FRIEDMAN
BARRY A FRIEDMAN
Attorney for Plaintiff
257 St Anthony Street
Post Office Box 2394
Mobile, Alabama 36603
Telephone: 251-439-7400

#### CERTIFICATE OF SERVICE

I, the undersigned authority, hereby certify that I have on this 10th day of April, 2007, served a copy of the foregoing on Gail Donaldson, 400 S Union Street, Suite 230, Montgomery, Alabama 36104, by depositing same in the United States mail, properly addressed and postage prepaid and/or electronically

/S/ BARRY A FRIEDMAN
BARRY A FRIEDMAN

#### UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

In re Case No. 06-31560-WRS Chapter 7

ARTHUR T. FLOWERS JR.,

Debtor.

FIA CARD SERVICES N.A.

Plaintiff,

Adv. Pro. No. 07-3009-WRS

v.

ARTHUR T. FLOWERS JR., et al.,

Defendants.

#### ORDER SETTING TRIAL DATE SCHEDULING ORDER

As announced from the bench at the scheduling conference held April 10, 2007, the following is the schedule of events in this adversary proceeding:

Discovery shall be completed no later than June 11, 2007.

Dispositive motions shall be filed no later than July 12, 2007.

Counsel for the parties shall exchange and file with the court by August 13, 2007, the pretrial disclosures required by Fed. R. Bankr. Proc. 7026(a)(3). Exhibits, depositions, and the testimony of witnesses not so disclosed shall not be admitted into evidence at the trial except for good cause shown.

Counsel for the parties shall exchange and file with the court by August 31, 2007, a list disclosing any objections to the use of depositions or admissibility of exhibits identified or designated under Fed. R. Bankr. Proc. 7026(a)(3). Objections not so disclosed, other than objections under Rules 402 and 403 of the Federal Rules of Evidence, shall be deemed waived unless excused by the court for good cause shown.

Counsel for the parties shall file a joint pretrial statement by August 31, 2007, containing the following:

- 1. A comprehensive written stipulation of all uncontested facts, including underlying facts, in such form that it can be incorporated in the final order as part of the findings of fact.
- 2. A statement of the contentions of each party with respect to contested facts and law.

Prior to trial, all exhibits to be offered at trial shall be marked for identification. Copies shall be made available to the court at the trial.

A telephonic pretrial conference will be held on **September 11, 2007, at 1:30 p.m.** The order of trial will be established at the pretrial conference.

Each party desiring to be heard MUST CALL conferencing services at least five minutes prior to the commencement of court. You will be asked to provide the name of the chairperson and the name of the caller. <u>The number is 1/800-347-3350</u>. The chairperson is <u>William Livingston</u>.

The trial is "deep set" with several other adversaries beginning **Monday**, **September 24, 2006.** 

Done this 10<sup>th</sup> day of April, 2007.

/s/ Dwight H. Williams Jr., United States Bankruptcy Judge

c: Barry A. Friedman, Attorney for Plaintiff Gail Donaldson, Attorney for Defendant

# UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

In re: Bankruptcy Case No.: 06-31560

ARTHUR T. FLOWERS, JR. In Chapter 7

Adversary No.: **07-03009** Debtor(s)

\_\_\_\_\_

FIA CARD SERVICES, N. A. DEFENDANT'S RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR

**ADMISSIONS** Plaintiff,

VS.

ARTHUR T. FLOWERS, JR.

Defendant.

TO:

BARRY FRIEDMAN
BARRY FRIEDMAN & ASSOCIATES
257 St. Anthony Street
P.O. Box 2394
Mobile, AL 36652
Attorney for FIA Card Services, N.A.

## DEFENDANT'S RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

**NOW COMES** the Defendant, by and through his attorneys of record, and hereby responds to the First Request for Admissions from Plaintiff FIA Card Services, N.A. to Defendant, in accordance with Rule 7026 of the Federal Rules of Bankruptcy Procedure.

#### **GENERAL OBJECTIONS**

- 1. The Plaintiff objects to each request insofar as it or any portion of any request seeks to impose on the Plaintiff's obligations other than those required by the Federal Rules of Civil Procedure or the local bankruptcy rules of the United States Bankruptcy Court for the Middle District of Alabama.
- 2. The Plaintiff further objects to each request to the extent that it seeks or implicates information protected by the attorney-client privilege, work product doctrine or any other privilege or protection from discovery.
- 3. The Plaintiff objects to each request to the extent that the discovery is obtainable from some other source that is more convenient, less burdensome, less expensive or to the extent that responding would be oppressive, unduly burdensome or expensive.
- 4. The Plaintiff further objects to each request to the extent that it seeks information that is publicly available or matters of public record or information that is not in the Plaintiff's possession, custody or control.
- 5. The Plaintiff objects to the definitions or instructions to the extent that they seek to define the terms in a manner that is inconsistent with the Federal Rules of Civil Procedure or are overly broad, erroneous or misleading.
- 6. The Plaintiff objects to the extent that the discovery requested is in the custody and control of the Defendant or obtainable by the defendant in the same manner that the Plaintiff's would obtain responsive information.

#### **REQUESTS**

- 1. Admitted
- I am uncertain as the Plaintiff reserves the right to change the Terms and Conditions on the account at its discretion. This Request for Admission is therefore Denied.

- 3. Admitted
- 4. Admitted until such time as a discharge is entered in the bankruptcy case.
- 5. Denied
- 6. Admitted
- 7. Admitted
- 8. Admitted
- 9. At the time the charges were incurred, I believed that I could repay them. This Request for Admission is therefore Denied.
- 10. I have no way of knowing what the Plaintiff did or didn't rely upon. This Request for Admission is therefore Denied.
- 11. At the time the charges were incurred, I believed that I could repay them. This Request for Admission is therefore Denied.
- 12. At the time the charges were incurred, I believed that I could repay them. This Request for Admission is therefore Denied.
- I am uncertain as the Plaintiff reserves the right to change the Terms and Conditions on the account at its discretion. This Request for Admission is therefore Denied.

Dated this the 11<sup>th</sup> day of April, 2007

/s/ Gail Donaldson
Gail Donaldson
Bradford W. Botes
Bond, Botes, Shinn & Donaldson, P.C.
Attorneys for the Defendant/Debtor
Arthur T. Flowers, Jr.

#### **CERTIFICATE OF SERVICE**

Gail Donaldson, attorney for the Defendant, hereby certifies to the Court as follows:

- I am not a party for the foregoing proceeding;
- 2. I am not less than 18 years of age;
- 3. I have this day served a copy of the foregoing **DEFENDANT'S RESPONSES TO PLAINTIFFS'S FIRST REQUEST FOR ADMISSIONS** on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, (or by certified mail, return receipt, postage prepaid, as indicated below), addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

Debtor

#### And Via the Court's Electronic Case Filing System to:

Barry Friedman
Barry Friedman & ASSOCIATES
257 St. Anthony Street
P.O. Box 2394
Mobile, AL 36652

- 4. To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;
  - 5. Service as outlined herein was made within the United States of America.

Dated this the 11<sup>TH</sup> day of April, 2007.

/s/ Gail Donaldson Gail Donaldson Bradford W. Botes Bond, Botes, Shinn & Donaldson, P.C. Attorneys for the Defendant/Debtor Arthur T. Flowers, Jr.

#### **UNITED STATES BANKRUPTCY COURT** MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

In re:

Bankruptcy Case No.: 06-31560

ARTHUR T. FLOWERS, JR.

In Chapter 7

Debtor(s)

Adversary No.: 07-03009

FIA CARD SERVICES, N. A.

Plaintiff,

**DEFENDANT'S RESPONSES TO** PLAINTIFF'S FIRST REQUEST FOR **ADMISSIONS** 

VS.

ARTHUR T. FLOWERS, JR.

Defendant.

TO:

BARRY FRIEDMAN BARRY FRIEDMAN & ASSOCIATES 257 St. Anthony Street P.O. Box 2394 Mobile, AL 36652 Attorney for FIA Card Services, N.A.

## AMENDED DEFENDANT'S RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

**NOW COMES** the Defendant, by and through his attorneys of record, and hereby responds to the First Request for Admissions from Plaintiff FIA Card Services, N.A. to Defendant, in accordance with Rule 7026 of the Federal Rules of Bankruptcy Procedure.

#### **GENERAL OBJECTIONS**

- 1. The **Defendant** objects to each request insofar as it or any portion of any request seeks to impose on the **Defendant's** obligations other than those required by the Federal Rules of Civil Procedure or the local bankruptcy rules of the United States Bankruptcy Court for the Middle District of Alabama.
- 2. The **Defendant** further objects to each request to the extent that it seeks or implicates information protected by the attorney-client privilege, work product doctrine or any other privilege or protection from discovery.
- 3. The **Defendant** objects to each request to the extent that the discovery is obtainable from some other source that is more convenient, less burdensome, less expensive or to the extent that responding would be oppressive, unduly burdensome or expensive.
- 4. The **Defendant** further objects to each request to the extent that it seeks information that is publicly available or matters of public record or information that is not in the **Defendant's** possession, custody or control.
- 5. The **Defendant** objects to the definitions or instructions to the extent that they seek to define the terms in a manner that is inconsistent with the Federal Rules of Civil Procedure or are overly broad, erroneous or misleading.
- 6. The **Defendant** objects to the extent that the discovery requested is in the custody and control of the Plaintiff or obtainable by the plaintiff in the same manner that the **Defendant** would obtain responsive information.

#### **REQUESTS**

- 1. Admitted
- I am uncertain as the Plaintiff reserves the right to change the Terms and Conditions on the account at its discretion. This Request for Admission is therefore Denied.

Admitted

case.

3.

4.	Admitted until such time as a discharge is entered in the bankruptcy

- 5. Denied
- .6. Admitted
- 7. Admitted
- 8. Admitted
- 9. At the time the charges were incurred, I believed that I could repay them. This Request for Admission is therefore Denied.
- I have no way of knowing what the Plaintiff did or didn't rely upon. This Request for Admission is therefore Denied.
- 11. At the time the charges were incurred, I believed that I could repay them. This Request for Admission is therefore Denied.
- 12. At the time the charges were incurred, I believed that I could repay them. This Request for Admission is therefore Denied.
- I am uncertain as the Plaintiff reserves the right to change the Terms and Conditions on the account at its discretion. This Request for Admission is therefore Denied.

Dated this the 11<sup>th</sup> day of April, 2007

/s/ Gail Donaldson
Gail Donaldson
Bradford W. Botes
Bond, Botes, Shinn & Donaldson, P.C.
Attorneys for the Defendant/Debtor
Arthur T. Flowers, Jr.

#### **CERTIFICATE OF SERVICE**

Gail Donaldson, attorney for the Defendant, hereby certifies to the Court as follows:

- I am not a party for the foregoing proceeding;
- 2. I am not less than 18 years of age;
- 3. I have this day served a copy of the foregoing **DEFENDANT'S RESPONSES TO PLAINTIFFS'S FIRST REQUEST FOR ADMISSIONS** on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, (or by certified mail, return receipt, postage prepaid, as indicated below), addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

Debtor

#### And Via the Court's Electronic Case Filing System to:

Barry Friedman Barry Friedman & ASSOCIATES 257 St. Anthony Street P.O. Box 2394 Mobile, AL 36652

- 4. To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;
  - 5. Service as outlined herein was made within the United States of America.

Dated this the 11<sup>TH</sup> day of April, 2007.

/s/ Gail Donaldson
Gail Donaldson
Bradford W. Botes
Bond, Botes, Shinn & Donaldson, P.C.
Attorneys for the Defendant/Debtor
Arthur T. Flowers, Jr.

#### IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA **NORTHERN DIVISION**

IN THE MATTER OF:

ARTHUR T. FLOWERS, JR. 3345 HABERSHAM ROAD **MONTGOMERY, AL 36109**  **CHAPTER 13 NO. 06-31560** 

SSN: 7586	DEBTOR(S)
FIA CARD SERVICES, N.A.	Adv. Proc. No. 07-03009
versus ARTHUR T. FLOWERS, JR.	Plaintiff,
ARTHOR TITEOWERS, SKI	Defendant.
	Defendant

#### **DEFENDANT'S RESPONSES TO** FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION

NOW COMES the Defendant, by and through his attorney of record, and hereby responds to the First Set of Interrogatories and Requests for Production, in accordance with Rule 7033 of the Federal Rules of Bankruptcy Procedure and Rule 33 of the Federal Rules of Civil Procedure.

#### **GENERAL OBJECTIONS**

- The Defendant objects to each interrogatory and/or each document request insofar as it or any portion of any interrogatory or request seeks to impose on the Defendant obligations other than those required by the Federal Rules of Civil Procedure or the local bankruptcy rules of the United States Bankruptcy Court for the Middle District of Alabama.
- The Defendant further objects to each interrogatory and/or request to the extent that it seeks or implicates information protected by the attorney-client privilege, work product doctrine or any other privilege or protection from discovery.
- Further, the Defendant objects to each interrogatory and/or request to the extent that the discovery is obtainable from some other source that is more convenient, less burdensome, less expensive or to the extent that responding would be oppressive, unduly burdensome or expensive.
- The Defendant further objects to each interrogatory and/or request to the extent that it seeks documents that are publicly available or matters of public record or information that is not in the Defendant's possession, custody or control.

- 5. The Defendant objects to the definitions or instructions to the extent that they seek to define the terms in a manner that is inconsistent with the Federal Rules of Civil Procedure or are overly broad, erroneous or misleading.
- 6. The Defendant objects to the extent that the discovery requested is in the custody and control of the Plaintiff or obtainable by the Plaintiff in the same manner that the Defendant would obtain responsive information.

#### **INTERROGATORIES**

1.

ANSWER: 54 years of age; completed one year of college; currently disabled, not employed since May, 2002

2.

ANSWER: Claud Fleahop Road, Tallassee, AL 36078

3.

ANSWER: Chase (2 accounts); Discover; Lowe's; MBNA/Bank of America; Sears

4.

ANSWER: Any cards used are listed in bankruptcy petition. I do not know any exact dates, amounts or whether they were charges or cash advances for any specific cards.

5.

ANSWER:	12-01-06	MBNA	\$350.00
	01-02-06	MBNA	\$475.00
	01-10-06	Sears	\$100.00
	01-13-06	Chase Card Services	\$300.00
	01-18-06	Discover	\$200.00
	02-01-06	Lowes	\$75.00
•	02-06-06	MBNA	\$520.00
	02-08-06	Sears	\$100.00
	02-15-06	Chase Card Services	\$300.00
	02-21-06	Discover	\$200.00
	02-28-06	Lowes	\$100.00
	03-02-06	Chase Card Services	\$310.00
	03-03-06	MBNA	\$475.00
	03-13-06	Sears	\$100.00
	03-17-06	Chase Card Services	\$300.00
	03-20-06	Discover	\$200.00
	04-01-06	Chase Card Services	\$300.00
	04-04-06	MBNA	\$450.00
	04-03-06	Lowes	\$100.00
	04-11-06	Sears	\$100.00
	04-12-06	Discover	\$200.00
	04-12-06	Chase Card Services	\$300.00
	05-01-06	Lowes	\$100.00
	05-02-06	MBNA	\$485.00
	05-02-06	Chase Card Services	\$360.00
	05-15-06	Sears	\$130.00
	05-15-06	Chase Card Services	\$300.00

05-22-06	Discover	\$200.00
05-27-06	Chase Card Services	\$360.00
05-31-06	Lowes	\$50.00
06-05-06	MBNA	\$505.00
06-07-06	Sears	\$130.00
06-18-06	Discover	\$200.00
06-17-06	Chase Card Services	\$350.00
06-29-06	Chase Card Services	\$325.00
07-03-06	Lowes	\$100.00
07-05-06	MBNA	\$510.00
07-11-06	Sears	\$100.00
07-14-06	<b>Chase Card Services</b>	\$380.00
07-21-06	Discover	\$250.00
08-01-06	Lowes	\$100.00
08-02-06	MBNA	\$530.00
08-14-06	Sears	\$125.00
08-21-06	Discover	\$200.00
08-21-06	Chase	\$350.00
08-29-06	Lowes	\$100.00
		•

May have others but unable to locate records; will supplement when/if records found. Source of payments was household income.

6.

ANSWER: No

7.

ANSWER: None to date.

8.

None to date. ANSWER:

9.

The first time I consulted with an attorney was October 27, 2006. The ANSWER: attorney was Gail Donaldson.

10.

My wife and I married in 1998 and moved to Eclectic, AL. I was earning approximately \$40,000 per year with Wilson Oil and my wife earned approximately \$50,000 per year with HK Systems. We supported a family of four. My step-daughter had a baby in January, 2000 and another in June, 2003 which we also supported. Both my wife and I commuted approximately 90 miles per day to work. In January, 2001, my wife lost her job after 23 years and was not able to find a job until July, 2001. Her new job paid one half of her previous salary. My income decreased to straight salary of approximately \$350.00 gross per week due to increase gasoline prices. My commission income ended with the gasoline prices increasing. My wages decreased 50%. In May, 2002, the store I managed was sold and I lost my job. In September, 2002 my mother fell and injured her hip and was forced to move in with us. She soon began to exhibit Alzheimer's disease and required full time supervision. She lived with us until she passed away in June, 2003. My health continued to get worse and in addition to my heart surgery, I developed diabetes and thyroiditis. We placed our house on the market in January or February, 2003. We initially tried to

sell it ourselves to get as much as possible but we were unable to sell it. We were forced to list it with a realtor in April or May, 2003. Our profit was only \$2500 which only covered our moving expenses and fence replacement at the new house. I applied for SS disability and was approved in April, 2004.

In June, 2006, I suffered a full cardiac arrest with some brain damage. I had to have a defibrillator placed in my heart and must be followed closely by a physician. In September, 2006, I suffered another cardiac arrest and fell and busted my head open and required stitches. I am currently being evaluated for a heart transplant,

11.

ANSWER:

NONE

NONE

12.

13.

ANSWER:

ANSWER:

My wife. Bank records to complete number 5.

**RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS** 

1.

ANSWER:

No witnesses to be called to date.

2.

ANSWER:

None known.

3.

ANSWER:

The ones I do have are attached.

4:

ANSWER:

January, 2006 through October 10, 2006 are attached.

5.

ANSWER:

2005 and 2004 Tax returns are attached

Dated this the 11<sup>TH</sup> day of April, 2007.

Gail Donaldson Bradford W. Botes

Bond, Botes, Shinn & Donaldson, P.C.

Attorneys for the Defendant

400 South Union Street, Suite 230

Montgomery, Alabama 36104

Phone (334) 264-3363

FAX (334) 264-3340

e-mail: Gdonaldson@bondnbotes.com

#### **CERTIFICATE OF SERVICE**

Gail Donaldson, Attorney for the Defendant, hereby certifies to the Court as follows:

- I am not a party for the foregoing proceeding;
- I am not less than 18 years of age;
- 3. I have this day served a copy of the foregoing **DEFENDANTS'S RESPONSES TO FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS** on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, (or by certified mail, return receipt, postage prepaid, as indicated below), addressed to each person at his dwelling house or usual place of abode or to the place where

Debtor

#### And Via the Court's Electronic Case Filing System to:

he regularly conducts his business or profession as follows:

Barry Friedman Barry Friedman & Associates 257 St Anthony St P.O. Box 2394 Mobile, AL 36652

4. To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;

5. Service as outlined herein was made within the United States of America.

Dated this the 11th day of April, 2007.

Gail Donaldson Bradford W. Botes

Bond, Botes, Shinn & Donaldson, P.C.

Attorneys for the Defendant

400 South Union Street, Suite 230

Montgomery, Alabama 36104

(334) 264-3363

FAX (334) 264-3340

e-mail: Gdonaldson@bondnbotes.com

Case 2:07-cv-00971-MHT

Document 3-10

Filed 10/29/2007

Page 6 of 42

Call us a\*\*1-800-917-7700 Go to ww

irscard.com Write to us at PO Box 6924 The Lakes, ... 88901-6924

Christ





Sears Card®

MR TAL FLOWERS JR. Account Numb Page 1 of 2

LATE PAYMENT FEE

Your Account Summary

The first backet agency (Tagas Includes to be to all 100 Teach described which is believed in 100 Fe	网络克朗 化双氯甲酚磺胺二甲酚磺胺甲酚 医电视电影 化二甲基磺基
Billing Cycle Closing Date	11/09/06
Amount Over Credit Line	\$0,00
Amount Past Due	\$505.10
Total Minimum Due	\$689.60
Previous Balance	\$4,273.55
Payments & Credits	\$0:00
Purchases & Debits	\$0.00
Other Charges	<b>\$35.00</b>
Total FINANCE CHARGES	\$104.50
Account Balance	\$4,413.05

Your Credit Summary

Total Credit Line \$4,630.00 Total Credit Available \$216.00

11/08/06

Sale Date Description 11/08/06

35.00

YOUR ACCOUNT IS SERIOUSLY PAST DUE, AMOUNT PAST DUE IS SHOWN ABOVE. ARRANGEMENTS FOR FUTURE PAYMENTS SHOULD BE MADE IMMEDIATELY.

DUE TO YOUR CREDIT PERFORMANCE, WE HAVE DECREASED YOUR CREDIT LINE: CREDIT LINES ARE REVIEWED REGULARLY, YOUR PROMPT AND REGULAR PAYMENTS OF THE "MINIMUM AMOUNT DUE" WILL IMPROVE YOUR CREDIT STANDING.

Amount



Account Balance \$4,413.05

**Payment** 12/07/06

Total Minimum Due

\$689.60

Amount Enclosed

\$

9279986 D 07 B

06313 1 TRS006 FXG 001 7 N

lalla llamilla aldadalalaitan tihadalalaidalaid

MR TAL FLOWERS JR 3345 HABERSHAM RD MONTGOMERY AL 36109-4317 Make check payable to SEARS CREDIT CARDS PO BOX 183081 COLUMBUS, OH 43218-3081

Please make address changes on reverse side.

200 5049948065100119 0441305 0068960 0000000 071



## Docustalement Due Date:

Minimum Payment Due:

\$1,702.00

File 1/060/2000 COUSTOM AND BEFFWE 12/05/06 In LIS In U.S. 1-800-945-2000 Español 1-888-446-3308 TDD

1-800-955-8060 Pay by phone 1-800-436-7958 Outside U.S. call collect

1-302-594-8200

MASTERCARD ACCOUNT SUMMARY Account Number

Previous Balance Purchases, Cash, Debits Finance Charges

New Balance

\$12,451.95 +\$39.00 +\$321.33

\$12,812.28

Total Credit Line Available Credit Cash Access Line Available for Cash

**ACCOUNT INQUIRIES** \$12,900 \$87 \$12,900 \$0

0318

P.O. Box 15298 Wilmington, DE 19850-5298

**PAYMENT ADDRESS** P.O. Box 94014 Palatine, IL. 60094-4014

VISIT US AT: www.chase.com/creditcards

A late fee is reflected on this billing statement. Your minimum payment reflects 1% of your statement balance, plus any past-due amount, billed interest, and the billed late fee.

You haven't made the required payments and your credit card account is 90 days past due. As a result, your credit bureau may be updated with a negative rating. Please send your payment immediately or call us at 1-800-955-8030 (collect 1-302-594-8200) today.

FLEXIBLE REWARDS SUMMARY

Previous points balance 0 Points earned on purchases this period Member-Get-Member bonus points 0 0 Member-Get-Member bonus points 0 New total points balance

To redeem your Flexible Rewards points, call 1-800-603-2265, or log on to www.ChooseMyRewards.com for 24-hour access to your rewards program.

TRANSACTIONS

Trans Date Reference Number	Merchant Name or Transaction Description	Amount Credit Debit
11/05	LATE FEE	\$39.00

#### FINANCE CHARGES

Category	Daily Periodic Rate 31 days in cycle	•	Average Daily Balance	Finance Charge Due To Periodic Rate	Transaction Fee	Accumulated FINANCE Fin Charge CHARGES	
Purchases	V .08217%	29.99%	\$3,048.96	\$77.67	\$0.00	\$0.00 \$77.67	
Cash advances	V .08217%	29.99%	\$9,565.27	\$243.66	\$0.00	\$0.00 \$243.66	
Total finance ch	arges					\$321.33	

Effective Annual Percentage Rate (APR):

29.99%

Please see Information About Your Account section for balance computation method, grace period, and other important information.

The Corresponding APR is the rate of interest you pay when you carry a balance on any transaction category. The Effective APR represents your total finance charges - including transaction fees such as cash advance and balance transfer fees - expressed as a percentage.

#### **IMPORTANT NEWS**

Whether you are traveling for the holidays or preparing the feast, be sure to use your Flexible Rewards card. Earn 1 point for every \$1 in eligible purchases. Reward yourself with merchandise, gift cards, travel, or a cash-back check. Go to www.ChooseMyRewards.com to redeem your points.



Prepared for: ARTHUR T FLOWERS

October 2006 Statement Credit Line: \$34,200.00 Cash or Credit Available:

Account Information				
Summary of Transactions		Billing Cycle and Payme	nt Info	rmation
Previous Balance	\$21,943.46	Days in Billing Cycle		29
Payments and Credits -	\$0.00	Closing Date		10/07/06
Cash Advances +	\$0.00			
Purchases and Adjustments	\$48.99	Payment Due Date		11/02/06
Periodic Rate Finance Charges +	\$409.10	Current Payment Due		\$667.00
Transaction Fee Finance Charges +	\$0.00	Past Due Amount	+	\$1,155.00
New Balance Total	\$22,401.55	Total Minimum Payment Due		\$1,822.00

Customer Service
For Information on Your Account Visit
www.mbnanetaccess.com
Mail Payments to:
MBNA AMERICA
P.O. BOX 15726
WILMINGTON, DE 19886-5726
Mail Billing Inquiries to:
MBNA AMERICA
P.O. BOX 15026
WILMINGTON, DE 19850-5026
Call toll-free 1-800-789-6701
TDD hearing-impaired 1-800-346-3178

Purchases and Adjustments	Posting Date	Transaction Date	Reference Number	Account Number	Category	Amount
PRIVACY ASST 8005 16956 800-5169561 DE	09/16	09/15	2246	9921	~	9.9
19091513092913			LL 10	OOL 1	C.	0.0
ATE FEE FOR PAYMENT DUE 10/02	10/02	10/02	1953		С	39.0

Category	Periodic Rate	Corresponding Annual Percentage Rate	Balance Subject to Finance Charge
Cash Advances			
A. Balance Transfers, Checks	0.063671% DLY *	23.24%	\$4,329,96
B. ATM, Bank	0.063671% DLY *	23.24%	\$0.00
C. Purchases	0.063671% DLY *	23.24%	\$10,287,11
D. Other	0.063671% DLY *	23.24%	\$7.539.17

\* Periodic Rate May Vary

#### Important Information About Your Account

YOU ARE A VALUED CUSTOMER. WE WANT TO MAKE SURE YOU ARE AWARE THAT WE HAVE NOT RECEIVED YOUR PAYMENT. PLEASE SEND THE AMOUNT DUE TODAY. IF IT HAS BEEN MAILED, THANK YOU.

YOUR STATEMENT AND ENVELOPE HAVE A NEW LOOK AND FEEL. THIS NEW EASY-TO-READ FORMAT WILL HELP YOU REVIEW YOUR STATEMENT FASTER. TO LEARN MORE ABOUT HOW TO FIND IMPORTANT INFORMATION ON YOUR IMPROVED STATEMENT, SEE THE ENCLOSED INSERT.

DON'T LET UNEXPECTED EVENTS AFFECT YOUR HARD EARNED CREDIT. TO PROTECT YOUR ACCOUNT, CALL 1-800-280-2528 TODAY.

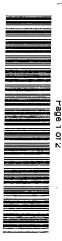
08 0224015500182200000530000004264290106009921

MBNA AMERICA P.O. BOX 15726 WILMINGTON, DE 19886-5726 

1 0001B04 00557 0700000001 USE111 00010-10 ARTHUR T FLOWERS 3345 HABERSHAM RD MONTGOMERY AL 36109-4317-457

Check here for a change of mailing address or phone number(s). Please provide all corrections on the reverse side. **Payment Information** ACCOUNT NUMBER: b921 NEW BALANCE TOTAL: \$22,401.55 PAYMENT DUE DATE: 11/02/06 Enter Payment Amount Enclosed: TOTAL MINIMUM PAYMENT DUE 51,822.00

Mail this payment coupon along with a check or money order payable to: MBNA AMERICA





## Dodument 3:10 Payment Due Date:

Payment Due Date: Minimum Payment Due:

#### 

In U.S. 1-80( -2000 Español 1-888-446-3308 TDD 1-800-955-8060

Pay by phone 1-800-436-7958 Outside U.S. call collect

1-302-594-8200

#### MASTERCARD ACCOUNT SUMMARY Account Number

Previous Balance Purchases, Cash, Debits Finance Charges

New Balance

\$12,110.66 +\$39.00 +\$302.29

\$12,451,95

Total Credit Line Available Credit Cash Access Line Available for Cash \$16,000 \$3,548 \$16,000 \$0

\$1,214.00

**ACCOUNT INQUIRIES** 

P.O. Box 15298 Wilmington, DE 19850-5298

PAYMENT ADDRESS P.O. Box 94014 Palatine, IL 60094-4014

VISIT US AT:

www.chase.com/creditcards

A late fee is reflected on this billing statement. Your minimum payment reflects 1% of your statement balance, plus any past-due amount, billed interest, and the billed late fee.

The charge privileges on your credit card account have been revoked. You no longer have the ability to use your credit card account for purchases. We can help you get back on track. Call 1-800-955-8030 (collect 1-302-594-8200) today.

The new APR and promotional rate expiration reflected on this statement is a result of a late payment on your account. For your convenience, you can always pay online by accessing our website displayed on this statement.

**FLEXIBLE REWARDS SUMMARY** 

Previous points balance 7,126
Points earned on purchases this period 0
Member-Get-Member bonus points 0
Member-Get-Member bonus points 0
New total points balance 0

grafi og 1996 af grafi af klasim i okkara også, skontika kyta och och goden elle aftergade

To redeem your Flexible Rewards points, call 1-800-603-2265, or log on to www.ChooseMyRewards.com for 24-hour access to your rewards program.

#### TRANSACTIONS

Trans Date	Reference Number	Merchant Name or Transaction Description	Amount Credit Debit
10/06		LATE FEE	\$39.00

#### **FINANCE CHARGES**

Category	Daily Periodic Rate 30 days in cycle	Corresp. APR	Average Daily Balance	Finance Charge Due To Periodic Rate	Transaction Fee	Accumulated Fin Charge	FINANCE CHARGES
Purchases Cash advances	V .08217% V .08217%	29.99% 29.99%	\$2,933.98 \$9,328.60	\$72.33 \$229.96	\$0.00 \$0.00	\$0.00 \$0.00	\$72.33 \$229.96
Total finance ch	arges					_	\$302.29

#### Effective Annual Percentage Rate (APR):

29.99%

Please see Information About Your Account section for balance computation method, grace period, and other important information.

The Corresponding APR is the rate of interest you pay when you carry a balance on any transaction category. The Effective APR represents your total finance charges - including transaction fees such as cash advance and balance transfer fees - expressed as a percentage.

Cardmember since 1	986	Closing Date: October 20, 2006		page 1 c
Account Number	71	Previous Balance		<b>\$</b> 7,278
Payment Due Date	November 19, 2006	Payments And Credits	-	0
Minimum Payment Due	\$421.00	Purchases	+	39
Credit Limit	\$11,000.00	Cash Advances	+	0.
Credit Available	\$3,560.00	Balance Transfers	+	0.
Cash Credit Limit	<b>\$</b> 5,500.00	Finance Charges	+	122.
Cash Credit Available	\$3,560.00	New Balance	=	\$7,439.
		You may be able to avoid Periodic Finance reverse side for details.	• Charge	is, see the
Cashback B	onus® ,	Opening Cashback Bonus Balance New Cashback Bonus Earned	\$ +	25.7 0.0
	Anniversary Date	Cashback Bonus Balance Available to Redeem	\$ \$	25.7 0.0
Cashback Bonus® Since	Allineistry Dale			

### How Can We Help You?

Please have your Discover Card available. Manage your account online at Discovercard.com Customer Service: 1-800-DISCOVER (1-800-347-2683)

For Account Inquiries, write to us at: Discover Platinum Card, PO Box 30943 Salt Lake City, UT 84130

TDD (Telecommunications Device for the Deaf):

For assistance, see reverse side.

Transactions

\$0 Fraud Liability Guarantee Use your Discover Card with confidence.

Trans. Date

Other/Miscellaneous

Oct 20 Oct 20 LATE FEE \$ 39.00

page 1 of 2 \$7,278.00 0.00 39.00 0.00 0.00 122.01 \$7,439.01

0.00

#### Information For You

The address provided in your Cardmember Agreement to request a beneficiary designation form for your Scheduled Air Travel Accident Insurance has changed. The new address is AIG Accident & Health Division, 300 South Riverside Plaza, Suite 2100, Chicago, Illinois 60606-6613.

While we are permitted under the Cardmember Agreement to increase the APRs on your Account because your payment was late, we have chosen not to do so at this time. We have terminated, however, any introductory or promotional rate on purchases and any special balance transfer rate, and applied the standard APR for purchases to your outstanding balance of purchases and balance transfers. However, we reserve the right to increase the APRs on your Account if you fail to pay the minimum payment due by the payment due date. See the Default Rate Plan section of the Cardmember Agreement for details.

ATTENTION \*\*\*\*\*\* ATTENTION \*\*\*\*\*\* ATTENTION \*\*\*\*\*\* ATTENTION \*\*\*\*\*\*\* We previously requested the past due amount on your account. We have no record of receiving payment. The amount due should be paid at once.

DISCOVER



## DocSialement Date: O Payment Due Date:

Minimum Payment Due:

PPROOF OF 29/2007 STONE AGENVIC OF 42 In U.S. \$1,396.00

Español 1-888-446-3308

TDD 1-800-955-8060 Pay by phone 1-800-436-7958 Outside U.S. call collect 1-302-594-8200

**VISA ACCOUNT SUMMARY** 

Previous Balance

Finance Charges

New Balance

Purchases, Cash, Debits

**Account Number** 

Total Credit Line \$17,300 Available Credit \$1,735 Cash Access Line \$17,300 Available for Cash

**ACCOUNT INQUIRIES** 

**S**0

P.O. Box 15298 Wilmington, DE 19850-5298

**PAYMENT ADDRESS** P.O. Box 94014 Palatine, IL 60094-4014

VISIT US AT: www.chase.com/creditcards

A late fee is reflected on this billing statement. Your minimum payment reflects 1% of your statement balance, plus any past-due amount, billed interest, and the billed late fee.

\$15,149.91

+\$39.00

+\$375.97

\$15,564,88

The charge privileges on your credit card account have been revoked. You no longer have the ability to use your credit card account for purchases. We can help you get back on track. Call 1-800-955-8030 (collect 1-302-594-8200) today.

The new APR and promotional rate expiration reflected on this statement is a result of a late payment on your account. For your convenience, you can always pay online by accessing our website displayed on this statement.

#### **TRANSACTIONS**

Trans			
Date	Reference Number	Merchant Name or Transaction Description	Amount
			Credit Debit
10/22		LATE FEE	\$39.00
		<del>-</del>	\$39,00

#### FINANCE CHARGES

Daily Periodic Rate Corresp. Category 30 days in cycle APR Purchases V .08217% 29.99% Cash advances V .08217% 29.99% Convenience check V .08217% 29.99%	Average Daily Balance \$14,000.83 \$1,125.94 \$124.53	Finance Charge Due To Periodic Rate \$345.14 \$27.76 \$3.07	Transaction Ad	ccumulated Fin Charge \$0.00 \$0.00	FINANCE CHARGES \$345.14 \$27.76 \$3.07
Total finance charges	<sub>g</sub> a.	-		7	\$375.97

#### Effective Annual Percentage Rate (APR):

29.99%

Please see Information About Your Account section for balance computation method, grace period, and other important information. The Corresponding APR is the rate of interest you pay when you carry a balance on any transaction category.

The Effective APR represents your total finance charges - including transaction fees such as cash advance and balance transfer fees - expressed as a percentage.

#### **IMPORTANT NEWS**

Did you know you can use your credit card to access cash whenever and wherever you need it? All you need is your PIN (Personal Identification Number) and an ATM. Just call 1-800-297-4970 to create your PIN today.



#### **Sears Card**

MR TAL FLOWERS JR Account Numbe 0119 Page 1 of 2

Go to Write to us at PO Box 6924 The Lakes, NV 88901-6924

Payment Due Date

11/08/06

#### **Your Account Summary**

Billing Cycle Closing Date	10/11/06
Amount Over Credit Line	\$0.00
Amount Past Due	\$325.92
Total Minimum Due	\$505.10
	100
Previous Balance Payments & Credits	4,137.37
Activity Activity	\$0.00 \$0.00
Other Charges	\$35.00
Total FINANCE CHARGES	\$101.18
	4,273.55

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#### Manage your account online—it's FREE

Pay your bill \_track purchases \_ set email aferts \_ even request a credit line increase —ob it all online at SearsCardroom It's a great way to stay on pay of your



Register foday at SearsCard.com it's free, and you won't believe how much time you can save. See for yourself at SearsCard.com.

#### Your Credit Summary

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YOUR ACCOUNT IS SERIOUSLY PAST DUE, AMOUNT PAST DUE IS SHOWN ABOVE. ARRANGEMENTS FOR FUTURE PAYMENTS SHOULD BE MADE IMMEDIATELY.

THE APR ON YOUR ACCOUNT HAS BEEN INCREASED FOR ONE OF THE FOLLOWING REASONS: YOU FAILED TO MAKE PAYMENT TO US ON THIS OR ANY OTHER ACCOUNT THAT YOU HAVE WITH US WHEN DUE, YOU EXCEEDED YOUR CREDIT LINE ON THIS OR ANY OTHER ACCOUNT YOU HAVE WITH US, OR YOU MADE A PAYMENT TO US ON THIS OR ANY OTHER ACCOUNT YOU HAVE WITH US THAT WAS NOT HONORED BY YOUR BANK.

Document 3-10

Filed 10/29/2007 Page 13 of 42

Payment Due Date: 10/29/06

BALANCE SUMMARY 1-0 Plan Previous

Type

REG

TOTAL:

Billing Date: 10/03/06 +/- FINANCE

CHARGE (net)

\$24.49

\$24,49

Debt Cancellation, +/-New Purchases Insurance & Adjustments Balance

\$35.00

\$35.00

Minimum Payment \$80.00

BIPANSACTION SUMMARY

Balance

\$1,402.52

\$1,402.52

Tran Date Invoice Number 09/30 10/03

Description LATE FEE \*FINANCE CHARGE\*

Plan Type Amount

\$35.00 \$24.49

\$80.00

FINANCE CHARGE SUMMARY

Plan Type REG BIG

Balance Subject To Finance Charge \$1,418.95 \$0.00

**Payments** 

& Credits

\$0.00

\$0.00

Daily Periodic Rate .05754 % .04242 %

\$0.00

\$0.00

Corresponding ANNUAL PERCENTAGE RATE Days This Billing Period 21.00% 15.48%

FINANCE CHARGE 30 \$24.49 30 \$0.00

\$1,462.01

\$1,462.01

Balance Method 2D 2D

**Total Periodic FINANCE CHARGE:** 

**CARDHOLDER NEWS & INFORMATION** 

YOUR ACCOUNT HAS 2 PAYMENTS DUE. PLEASE MAIL THE MINIMUM PAYMENT DUE TODAY. PLEASE DISREGARD IF MINIMUM PAYMENT DUE HAS ALREADY BEEN MADE

> Moving? Visit Lowesmoving.com for tools, tips and valuable offers to make your move easier.

Please Note: When contacting the Lowe's Credit Center, you must be listed as an account owner to obtain information about the account. We cannot disclose information to authorized users or third parties

CUSTOMER SERVICE: For account information call 1-800-444-1408 NOTICE: PLEASE SEE REVERSE SIDE FOR BILLING RIGHTS AND IMPORTANT INFORMATION: PAYMENT DUE BY 5 P.M. ON THE DUE DATE. We may convert your payment into an electronic debit. See reverse for details.

0002 9WD

3 861003 D Page 1 of 2

280486

Detach and mail this portion with your check to LOWE'S. Please use blue or black ink.



10/29/2006	\$39.00	\$80.00	\$1,462.01	277 7
Payment Due Date	Past Due Amount	Minimum Payment Due	New Balance	Account Number

Fill in amount completely

	Г	
	П	- 1
	11	- 1
		- 1

Yes, I have moved or I have changed my email address. Check the box and submit changes on the reverse side.

Minimum payment due includes \$39.00 past due Please pay minimum payment amount PROMPTLY.

TAL FLOWERS JR 3345 HABERSHAM RD **MONTGOMERY AL 36109-4317** 

lallallaadilladaalaladaalladiladiladalalada

Make Payments to: LOWE'S P.O. BOX 530914 ATLANTA, GA 30353-0914

*				
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Case 2:07-cv-00971-MHT Document 3-10
Access Fifty Checking

Filed 10/29/2007

Page 14 of 42

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2,283

ARTHUR T FLOWERS OR SUZANNE FLOWERS 3345 HABERSHAM ROAD MONTGOMERY AL 36109

PB

**Access Fifty Checking** 

1/10/2006 thru 2/07/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR

Account Summary

\$648.99 Opening balance 1/10 Deposits and other credits 3,433.38 + 1,580.24 Checks 1,773.68 Automated Checks 202:00 Other withdrawals and service fees Closing balance 2/07 \$526.45

### **Deposits and Other Credits**

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Date	Amount	Description:  which is a considered to the consideration of the constant of th
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Total	\$3,433.38	

#### Checks

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7130*	90.00	1/18	7138	15.00	1/27	7146	91.44	2/06
7131	109.12	1/13	7139	24.86	1/31	7148*	300.00	2/03
7134*	300.00	1/19	7140	8.46	1/31	7149	35.00	2/03
7135	100.00	1/25	7141	25.00	2/03	Total	\$1,580.24	CONTRACTOR
7136	194.00	1/26	7143*	137.07	1/31	Allen Allen III	n er er er væg vær storper.	

<sup>(</sup>checks could be listed under Automated Checks) \* Indicates a break in check number sequence



# Case 2:07-cv-00971-MHT Document 3-10 Access Fifty Checking

Filed 10/29/2007 Page 15 of 42



16 104

2,284

Automated	Checks		
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### Other Withdrawals and Service Fees

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### Service Fees

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# Case 2:07-cy-00971-MHT Document 3-10 Access Fifty Checking

Filed 10/29/2007

Page 16 of 42

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Infilment flowers or suzanne flowers suzanne flowers 3345 habersham road montgomery al 36109

PB

# **Access Fifty Checking**

2/08/2006 thru 3/08/2006

Account number:

Account owner(s):

ARTHURT FLOWERS OR

Account Summary

Opening balance 2/08 \$526.45

Deposits and other credits 4,548.14 +

Checks 1,747.09 
Automated Checks 1,838.21 
Other withdrawals and service fees 252.00 
Closing balance 3/08 \$1,237.29

### **Deposits and Other Credits**

Date	Amount	
2/09	100,00	DEPOSIT
2/14	reference de la composition de la comp La composition de la composition de la La composition de la composition de la La composition de la composition del composition della composition della co	AUTOMATED CREDIT STATE OF ALABAMA II REFUNDS CO. ID. 9260000121 060214 PPD
2/15	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591-060215 PPD
2/15	1083.00	AUTOMATED CREDIT US TREASURY 303 SOC SEC GO. ID. 3031036030 060215 PPD
2/17	1;270:00	AUTOMATED CREDIT US TREASURY 220 TAX REFUND CO. ID. 3111036170 060217 PPD
2/28		AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI- CO. ID. 630400591 060228 PPD
Total	\$4,548,14	ander var en seur der der hande en de de verden de

### Checks

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Number	Amount	Date	Number	<u>Amount</u>	Date	<u>Number</u>	<u>Amount</u>	Date
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7153*	90.00	2/14	7160	77.79	2/28	7167	137.07	3/01
7154	109.25	2/14	7161	84.16	3/01	7170*	140.00	3/08
7157*	300.00	2/22	7163*	24.86	3/03	7171	310.00	3/08
7158	194.00	2/24	7165*	35.00	3/01	Total	\$1,747.09	

<sup>\*</sup> Indicates a break in check number sequence (c

(checks could be listed under Automated Checks)



Case 2:07-cy-00971-MHT Document 3-10 Access Fifty Checking

Page 17 of 42 Filed 10/29/2007

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annica de la compania de la compania de la constancia de la constancia de la constancia de la compania de la c antigación de la compania del la compania de la compania del la compania de la compania de la compania del la compani		3/03	AUTOMATED CHECK MBNA/IBS CHECK PYMT CO. ID. 2200000001 060303 ARC MISC 7168
		3/06	AUTOMATED CHECK BP PAYMENT CHECK PYMT GO ID GITI OILS 060306 ARC MISC 7169
Total	\$1,838.21	e del mentembrana con comerciano acos con co La minima especia con seguido especial de mentembra	

### Other Withdrawals and Service Fees

Dale	Amount Description	el New Standard Belle stad. Den mengen Henrich ausgeben der Seit und gesen Verstelle stade in der Freis stade s An Weiter Henrich Belle der Stade sprinklichten der geweiter Stade in einem Henrich zu geschen Freis zu der Fu	ais a , a meilines i il chilatera sea societti comprehensiose aplica program Articologia meritoria a comunica i infilazzo de printencia programme	evanikas silvavsi varast evaluudista etempia silvavki
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3/08	2.00 SERVICE FE	generalisekun semerekan rasarak kelemban seminin semen semen semerek interkentisk binar di En ken sekatat sammer keneralis danat seminan samman kelemban begin sakun sam En semeralisminin seminah semi	en vinten vi Vinten vinten vin	enembration in sec A sea - and effect
Total	\$252.00	ant till deltaktinde om mentet, mindligt stillen til en nom mente mindligt stil set. Let i kommende stillen st Entill till komme i Temmel Mille skillet still kommer som mennem mille skillet kom å et kolitisk til set.	gregorios po mante anticomo mante con transcripto, apportante anticombinativa (1998). Anticomo po mante anticomo mante con transcripto (1998). Anticombinativo (1998). Anticombinativo (1998).	indensett litterheisbrund in 1972 - Intagading page bad i Grug Angri Kiri

### Service Fees

Description Qualitity	Amount Total
CHECK ENCLOSURE FEE	2.00 2.00
Total Fee(s)	
Average balance	\$1,973.33 \$302.48



Case 2:07-cv-00971-MHT Document 3-10 **Access Fifty Checking** 

Filed 10/29/2007 Page 18 of 42

18 104

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Lalladhaaallikaabilaabidadhaadhaadhaadh ARTHUR T FLOWERS OR SUZANNE FLOWERS 3345 HABERSHAM ROAD MONTGOMERY AL 36109

PВ

# **Access Fifty Checking**

3/09/2006 thru 4/07/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

**Account Summary** 

\$1,237.29
3,070.14 -
1,647.93
1,782.51
202.00
\$674.99

### **Deposits and Other Credits**

Date	Amount	Description
3/13	200.00	DEPOSIT
3/15	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060315 PPD
3/15	1,083.00	AUTOMATED CREDIT US TREASURY 303 SOC SEC CO. ID. 3031036030 060315 PPD
3/30	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060330 PPD
<del></del>	40.070.44	

### Checks

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
7173	90.00	3/14	7183	19.68	3/29	7193*	91.44	4/04
7174	109.25	3/13	7185*	167.00	3/27	7195*	68.51	4/04
7177*	175.29	3/20	7186	14.29	3/27	7197*	110.00	4/06 <sup>,</sup>
7179*	161.34	3/16	7187	35.74	3/27	7198	102.91	4/07
7180	16.43	3/22	7188	23.45	3/29	Total	\$1,647.93	
7181	20.00	3/22	7189	5.53	3/30			
7182	300.00	3/24	7191*	137.07	3/30			

<sup>\*</sup> Indicates a break in check number sequence

(checks could be listed under Automated Checks)

18 104

1,585

Automated	Checks		
Number	Amount	Date	Description
7172	100.00	3/13	AUTOMATED CHECK SEARS PAYMENT CHECK PYMT CO. ID. CITI SEARS 060313 ARC MISC 7172
· 7175	13.97	3/16	AUTOMATED CHECK SCHOLASTIC PAYMENT CO. ID. 1131912013 060316 ARC MISC 7175
7176	782.96	3/17	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYMT CO. ID. 6708044134 060317 ARC MISC 7176
7178	200.00	3/20	AUTOMATED CHECK DISCOVER ARC PAYMENTS CO. ID. 5510020270 060320 ARC MISC 7178
7184	13.97	3/28	AUTOMATED CHECK SCHOLASTIC PAYMENT CO. ID. 1131912013 060328 ARC MISC 7184
7190	100.00	4/03	AUTOMATED CHECK LOWES/GEMB CHECKPAYMT CO. ID. 0818200406 060403 ARC MISC 7190
7192	121.61	4/03	AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITI OILS 060403 ARC MISC 7192
7194	450.00	4/04	AUTOMATED CHECK MBNA/IBS CHECK PYMT CO. ID. 2200000001 060404 ARC MISC 7194

### Other Withdrawals and Service Fees

Total	\$202.00	
4/07	2.00	SERVICE FEE
3/30	150.00	AUTOMATED DEBIT ALFA LIFE CO. ID. 1630338648 060330 PPD
3/13	0.00	INQUIRY 3949 ATLANTA HIGHWAY 7028-000744
3/09	50.00	AUTOMATED DEBIT SMITH BARNEY AFT CO, ID. 1131912900 060309 PPD
Date	Amount	Description

### **Service Fees**

Description	Quantity	Amount	Total
CHECK ENCLOSURE FEE	1	2.00	2.00

lotal Fee(s)	\$2.00

\$1,513.58 \$676.99 Average balance Minimum balance



Filed 10/29/2007

1,626

Page 20 of 42

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Infilmental Infilm

**Access Fifty Checking** 

4/08/2006 thru 5/08/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

Account Summary

Opening balance 4/08 \$674.99

Deposits and other credits 3,070.14 +

Checks 1,990.94 
Automated Checks 955.64 
Other withdrawals and service fees 207.00 
Closing balance 5/08 \$591.55

### **Deposits and Other Credits**

Date	Amount	Description
are in the case in the processing of the end was the term to the end of the e	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060414 PPD
were 4//11.9 ingressed warmen remains and the service of the conservation of the conse	1,083.00	AUTOMATED CREDIT US TREASURY 303 SOC SEC CO. ID. 3031036030 060419 PPD
entre 4128 on consequent of the consequence of the	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060428 PPD
5/08 (control of the control of the	ghesh <sub>a S</sub> ee Sebagaa wa istaa ashiinin aan a	

### Checks

Number	Amount	Date	Number	Amount	<u>Date</u>	<u>Number</u>	Amount	Date
7196	300.00	4/10	7207	300.00	4/18	7214	91.44	5/03
7200*	24.86	4/17	7208	85.62	4/18	7215	78.52	5/03
7201	90.00	4/19	7209	130,90	. 4/25	7218*	110.00	5/02
7202	109.25	4/11	7210	45.00	5/01	7220*	34.97	5/03
7203	86.25	4/14	7211	167.00	4/27	Total	\$1,990.94	er a egyptim tegypt at open in a
7206*	200.00	4/18	7213*	137.13	5/02	er er many op i ger i ja er en er	en e	agragio securita da la casa de la

<sup>\*</sup> Indicates a break in check number sequence (checks could be listed under Automated Checks)



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entender in de		5/02	AUTOMATED CHECK DILLARD'S PYMT CO. ID. 0818200413 060502 ARC MISC 7217
	485.00	5/02	AUTOMATED CHECK MBNA/IBS CHECK PYMT GO. ID: 2200000001 060502 ARC MISC 7219
Total	\$955.64	er makerika di kanadasar errendentik di Series di manda manda makerik di manda di	The production of the product

### Other Withdrawals and Service Fees

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weDate	Amount	Description	on and the time doler the september of his productive and an extension of the september of	orden och still filmstaren minde utstädistalle företallanden, hanne satt. Fall till filmstanden sammer och er minde som ett still filmstandistanden.	
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ikanden Standen kan de sen en de sen en e				MITH BARNEY 9411 PPD	and a transmission of the control of
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4/28				FALIFE A 1428 PPD	LEALIFE
5/08	0.00	INQUIRY	3949 ATLAN	NTA HIGHWAY	7028-008054
5/08	2.00	SERVICE F	EE-200000000000000000000000000000000000	en pri nin senima (Landa na). Sarkha sistemen ar dinanda n manazini ana manimi di manifesi manazini 2 minuti na manimi	indicated in the contraction of
Total	\$207.00	energene overskelt det det ver salden 80. Det ver hendelt det dett ver salden 80.		The second secon	



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Page 22 of 42

**Access Fifty Checking** 

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John Hannel Handelanderlands benedit and declarated and l ARTHUR T. FLOWERS OR SUZANNE FLOWERS 3345 HABERSHAM ROAD MONTGOMERY AL 36109

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# **Access Fifty Checking**

5/09/2006 thru 6/07/2006

Account number: Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

**Account Summary** 

Opening balance 5/09	\$591.55
Deposits and other credits	MAKET THE TREPT STORES AS A COURT AND A CASE A CONTRACT TO THE STORES OF THE PARTY OF THE STORES AND A CONTRACT
Checks of management of the property of the pr	
Automated Checks	1 47 / 21 -
Other withdrawals and service fees	
Closing halance 6/07	WE AND ADDRESS OF THE PARTY OF

### **Deposits and Other Credits**

Date	Amount	Description	na kun 162 migar Saparah Sapirapining semilan kong mendecahing kunan distributi kembahan	a proposition (no proposition and a security of the security o	, we write a small set of the latter of the section of the sectio
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erra, provincia de contrata que de comercia en entra en entra en en el comercia de la comercia de la comercia d Sentra Solo de la comercia del la comercia del la comercia de la comercia del la comercia de la comercia de la comercia del la comercia	00 10 00 00 00 00 00 00 00 00 00 00 00 0	AUTOMATED CO. ID. 303103	CREDIT US TE 36030 060517	REASURY 303 PPD	SOG SEG
1975	893,57	AUTOMATED CO. ID. 630400	CREDIT F <b>AMI</b> I 0591 060530 F	Y GUIDANCE PD	PAYROLL DI
6/01	800.00	DEPOSIT			ingeleggeben die St. von Aufliche in Leiter betreichte von der
6/01	1,000.00	DEPOSIT	n statut ten tillandern i men kommi av til skritter n statut til en tillann i millin menne med skrittera	other control of the section of the	ankalahan peratuman pengelapak salah daripat yana belah Menancan belah pengelapak pengen nyananggalan sebesah yana belah
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#### Checks

Number	Amount	Date .	Number	Amount	Date	<u>Number</u>	and the second of Amount	Date
7221	360.00	5/09	7230	30.00	5/22	7236	137.13	6/02
7224*	40.92	5/12	7231	120.00	5/25	7238*	91.44	6/07
7225	90.00	5/12	7232	24.86	6/07	7240*	97.00	6/01
7226	109.33	5/12	7233	167.00	5/30	7242*	360.00	6/05
7229*	300.00	5/19	7235*	73.52	6/02	Total	\$2,001.20	e zeem — e.g. — e.g. ogs men

<sup>\*</sup> Indicates a break in check number sequence

(checks could be listed under Automated Checks)



Filed 10/29/2007 Page 23 of 42



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Automated	d Checks		
Number	Amount	Date	Description
7222		5/12	AUTOMATED CHECK SCHOLASTIC PAYMENT CO. ID. 1131912013 060512 ARC MISC 7222
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a junction de destination de la company de destination de la conferencia de la company	7773-28	=	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYM CO. ID. 6708044134 060517 ARC MISC 7227
Marina 7.228 Service 177 - 1986 Service 178 Service 1885 Service 1875	200.00 sept. 100	5/22	AUTOMATED CHECK DISCOVER ARC PAYMENTS CO. ID. 5510020270 060522 ARC MISC 7228
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oka ospanijenie nastogog oga 1. s. oktornije virovenovi s primi i 1723 diskumentet knoch koloku silo in skrijet i silo smenjenitejokar 2. ja. okane siloku progra nastogog okane siloku menomenovije in 22. okane nastogog okane siloku menomenovije in 12. okane siloku	1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 1907 - 19	200 pe un reconstruir de la company de la co	AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITI OILS 060605 ARC MISC 7237
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	en de la companya del la companya de la companya del la companya de la companya de la companya del la companya de la companya del la companya	Control of the contro	AUTOMATED CHECK SEARS PAYMENT CHECK PYMT CO. ID. CITI SEARS 060607 ARC MISC 7243
Total	\$1.977.41	braddin sould not have see property and go	K COMBANIAN MARKANIAN PARK WAS CARABITATION OF THE PROFESSION OF T

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Date	Amount	interior dignispicare, per un recommenda au agazante interior, apresentare un requirare con un reconsiderate commente especial de servició de la composition della composition
5/11	The state of the s	AUTOMATED DEBIT SMITH BARNEY AFT CO. ID. 1131912900 060511 PPD
5/12	and the same of the second control of the se	OVERDRAFT/UNAVAILABLE FUNDS FEE 3 TRANSACTION(S) AT \$30.00
5/17,	40.00	WITHDRAWAL DALRAIDA 05/17 3949 ATLANTA HIGH MONTGOMERY AL 7028W009099
5/30	0.00	INQUIRY 3949 ATLANTA HIGHWAY 7028-000694
5/31	150.00	AUTOMATED DEBIT ALFA LIFE ALFA LIFE CO. ID. 1630338648 060531 PPD
6/01	0.00	INQUIRY 3949 ATLANTA HIGHWAY 7028-001105
6/07	2.00	SERVICE FEE
Total	\$332.00	



Case 2:07-cv-00971-MHT Document 3-10 Filed 10/29/2007 Page 24 of 42

Access Fifty Checking

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Infinitional Infinition III and Infinition III arthur t flowers or suzanne flowers 3345 habersham road montgomery al 36109

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**Access Fifty Checking** 

6/08/2006 thru 7/10/2006

Account number: Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

**Account Summary** 

Opening balance 6/08	\$951.08
Deposits and other credits	2,870.14 +
Checks	2,234.75 -
Automated Checks	1,659.26
Other withdrawals and service fees	327.00 -
Closing balance 7/10	\$399.79 -

### **Deposits and Other Credits**

_		the control of the co
Date	Amount	Description
6/15	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI
6/21	1,083.00	AUTOMATED CREDIT US TREASURY 303 SOC SEC CO. ID. 3031036030 060621 PPD
6/30	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060630 PPD
	46.650.44	the second of th
Total	\$2,870.14	4. A second of the second o

#### Checks

Number	Amount	Date	Number	angentra e		Amount	Date	Number	Amount	Date
7244	54.29	6/20	7251		4	350.00	6/26	7260*	91.44	7/05
			7252			161.34	6/22	7263*	70.53	7/03
7245	109.60	6/23						and the second	93.53	7/06
7246	140.90	6/22	7253 ,			38.72	6/21	7264	the second of the second of	and the second of
7247	90.00	7/03	7254			68.27	6/27	7266*	325.00	7/05
7248	40.00	6/26	7255			167.00	6/29	7267	97.00	7/05
7250*	200.00	6/26	7258*			137.13	6/30	Total	\$2,234.75	

<sup>\*</sup> Indicates a break in check number sequence (checks could be listed under Automated Checks)







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Automated (	Inecks		
Number	Amount	Date	Description
7249	773.28	6/23	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYMT CO. ID. 6708044134 060623 ARC MISC 7249
7256	100.00	7/03	AUTOMATED CHECK LOWES/GEMB CHECKPAYMT CO. ID. 0818200406 060703 ARC MISC 7256
7259	39.44	7/07	AUTOMATED CHECK LIBERTY NATIONAL INS PYMT CO. ID. 1630124600 060707 ARC MISC 7259
7261	199.53	7/03	AUTOMATED CHECK BP PAYMENT CHECK PYMT ©O. ID. CITI OILS 060703 ARC MISC 7261
7262	37.01	7/03	AUTOMATED CHECK DILLARD'S PYMT CO. ID. 0818200413 060703 ARC MISC 7262
7265	510.00	7/05	AUTOMATED CHECK MBNA/IBS CHECK PYMT CO. ID. 2200000001 060705 ARC MISC 7265

### Other Withdrawals and Service Fees

Date	Amount	Description
6/09	50.00	AUTOMATED DEBIT SMITH BARNEY AFT CO. ID. 1131912900 060609 PPD
6/19	0.00	INQUIRY 3949 ATLANTA HIGHWAY 7028-003382
6/29	150.00	AUTOMATED DEBIT ALFA LIFE ALFA LIFE CO. ID. 1630338648 060629 PPD
7/05	60.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 2 TRANSACTION(S) AT \$30.00
7/06	30.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$30.00
7/07	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$35.00
7/10	2.00	SERVICE FEE
Total	\$327.00	

### **Service Fees**

Description		Quantity	Amount	Total
CHECK ENCLOSURE FEE	•	1	2.00	2.00
Total Fee(s)				\$2.00
Average balance Minimum balance				\$1,043.87 \$397.79 -



Case 2:07-cv-00971-MHT Document 3-10 Filed 10/29/2007 Page 26 of 42

Access Fifty Checking

83 40 10 104 1,618

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**Access Fifty Checking** 

7/11/2006 thru 8/08/2006

Account number:
Account owner(s):

ARTHUR T FLOWERS OF SUZANNE FLOWERS

**Account Summary** 

Opening balance 7/11	\$399.79 -
Deposits and other credits	3,154.13 +
Checks have constituted as the constitute of the	1,298.64 -
Automated Checks	
Other withdrawals and service fees	
Closing balance 8/08	\$1,189.72 -

### **Deposits and Other Credits**

Date Amount	
7/12 283.99	DEPOSIT
Photograph 2000 Market military and the control of	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060714 PPD
The state of the s	AUTOMATED CREDIT US TREASURY 303 SOC SEC CO. ID. 3031036030 060719 PPD
7/28 893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060728 PPD

### Checks

Number	Amount	Date I	Number	Amount	Date Number	Amou	nt Date
7257	24.86	7/12	7273*	112.12	7/18	98.5	53 8/02
7268*	25.00	7/13	7275*	380.00	7/21 7281		14 8/02 00 8/01
7270*	60.00 90.00	7/11 7/18	7276 7279*	167.00 152.69	7/25 7282 7/31 <b>Total</b>	\$1,298.6	<u>14</u>
1211	50.00	,,,,	- 1	Continue of Section States and control of the control of the section of the	Sign of Street, and a second second		

<sup>\*</sup> Indicates a break in check number sequence (checks could be listed under Automated Checks)



# Access Fifty Checking

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Automated	Checks		
Number	Amount	Date	Description
7269	100.00	7/11	AUTOMATED CHECK SEARS PAYMENT CHECK PYMT CO. ID. CITI SEARS 060711 ARC MISC 7269
7272.	740.16	7/18	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYMT CO. ID. 6708044134 060718 ARC MISC 7272
7274	250.00	7/21	AUTOMATED CHECK DISCOVER ARC PAYMENTS COID: 5510020270 060721 ARC MISC 7274
1	100.00	8/01	AUTOMATED CHECK_LOWES/GEMB CHECKPAYMT CO. ID. 0818200406 060801 ARC MISC 7277
7278	93.26	7/31	AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITI OILS 060731 ARC MISC 7278
7283	530.00	8/02	AUTOMATED CHECK MBNA/IBS CHECK PYMT CO. ID. 2200000002 060802 ARC MISC 7283
Total	\$1,813.42	*** ** ** ** ** ** ** **	man, internative of the administration was received in the control of the control

### Other Withdrawals and Service Fees

Date	Amount	Description: A section of the formatted them as the section of the
7/11	50.00	AUTOMATED DEBIT SMITH BARNEY AFT CO. ID. 1131912900 060711 PPD
7/11	105.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 3 TRANSACTION(S) AT \$35.00
7/12	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$35.00
7/13	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$35.00
7/18	105.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 3 TRANSACTION(S) AT \$35.00
7/21	70.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 2 TRANSACTION(S) AT \$35.00
7/25	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$35.00
7/28	150.00	AUTOMATED DEBIT ALFA LIFE CO. ID. 1630338648 060728 PPD
7/31	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$35.00
8/01	70.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 2 TRANSACTION(S) AT \$35.00

Other Withdrawals and Service Fees continued on next page.



# Case 2:07-cv-00971-MHT Document 3-10 Access Fifty Checking

Filed 10/29/2007

Page 28 of 42

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# **Access Fifty Checking**

8/09/2006 thru 9/07/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

Account Summary

Opening balance 8/09	\$1,189.72
Deposits and other credits	
Checks represent the commence of the commence	1,019.16
Automated Checks	
Other withdrawals and service fees	507.00 -,
Closing balance 9/07	\$2,422,93

### **Deposits and Other Credits**

Date	Amount	ом не и вы предводом дом и со на так выполня не учеры разделения держивающим учетов не и выполняющим полняющим став то выполняющим выполнений выполняющим выполнающим выстративам выполнающим выстрати выполнающим выполнающим выполнающим выполнающим выполнающи
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illegiggspager von utvisiger staten kilm militier von under Kuld Omståtstatun stemmensk der vor vurken i en omstånde sam eggen staten, varen utvisigen flyngen, men er verkenen en med	inne kaussa, sistem selle sitem sände sände Sanka, va Sanka, och av sänden sammer selle er sammer sammer sände Somher myndersen, van segestammer, sinden sinden sände sinse sammer, som sammer sammer sammer sammer sammer s Er sindet i mynderne sammer vinge 17 den filmen sammer vann, sinden den sammer sänden aftare sammer.	PARTIAL COLLECTION OF OVERDRAFT AMOUNT PLEASE CALL 866-211-6980 WITH QUESTIONS
8/15	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI
gger effektiven de linger met en steget verken zich de specialernen ge- 1997 des delste steget die gemeinigt de verken einen verscheit deutschaft de 1998 des gegen bestättigt des deutschaft dem des produktivet und zich des	ties deutwerste geleine auch zum der des deutwerste deutwerste des deutwerste des des deutwerste des des deutw The en entwerste deutwerste deutwerste deutwerste deutwerste deutwerste deutwerste deutwerste deutwerste deutw Matternerste deutwerste deutwerste deutwerste deutwerste deutwerste deutwerste deutwerste deutwerste deutwerst	CO.  D. 630400591 060815 PPD
	1,083.00	AUTOMATED CREDIT US TREASURY 303, SOC SEC CO. ID: 3031036030 060816 PPD
8/16	4;000.00	DEPOSIT
8/30	**************************************	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591-060830 PPD
Total	\$6 892 55	・ は、ロシャン・シェル・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ・ロ

### Checks

Number	Amount	<u>Date</u>	Number	<u>Amount</u>	Date	Number	Amount	Date
~~ .~~ ~ <del>7286</del> · · · · · · · · · · · · · · · · · · ·	90.00	8/18	7293		8/28	7299	- 1 marine 1	- 8/31
7287.	150.00	8/22	7294	200.00	- 8/22	7300	· · · · · · · · · · · · · · · · · · ·	9/06
7288	91.28	8/21	7297*	147.05	- 8/28	Total	\$1,019.16	alerta i da stra estata de suatra também de se
7292*	34.00	8/22	7298	93.53	9/05	Section 12. Co. of the State of the contraction of the section of	en endalsker en Morte en arteren en e	a compare en

<sup>\*</sup> Indicates a break in check number sequence (checks could be listed under Automated Checks)



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Number	restronger and a second	Date	Description
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7289	1973 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 1986 - 19	8/22	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYMT CO. ID, 6708044134 060822 ARC MISC 7289
antangan 1729) menangkan pengunan 1729) mengunan di Pangunan pengunan di Pangunan pengunan di Pangunan pengunan pengunan pengunan pengunan pengunan p mengunan pengunan pe	Commission for the first processing and the fi	8/21	AUTOMATED CHECK_DISCOVER ARC PAYMENTS GO. ID. 5510020270 060821 ARC MISC 7290
		8/21	AUTOMATED CHECK CHASE CHECK PYMT GO: ID: 9200602070-060821 ARG MISC 7291
entre en	по по постоя по	8/29	AUTOMATED CHECK LOWES/GEMB CHECKPAYMT CO. ID: 0818200406 060829 ARC MISC 7295
		8/29	AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITLOILS 060829 ARC MISC 7296
Total	<u>\$1,753.74</u>		

	a constructive and the control of the transfer to the control of t	
Other Wi	thdrawals and Service	${f Tees}$
Date	Amount Description	
Description of the section of t		NAVAILABLE FUNDS FEE N(S) AT \$35.00
	50.00 AUTOMATED D GOID. 1131912	EBIT SMITH BARNEY AFT 900 060810 PPD
		FEM 000000007284, \$320:00 HECK CHASE RDP CHECK
01 100 100 100 100 100 100 100 100 100	35.00 OVERDRAFT/UN 1 TRANSACTION	NAVAILABLE FUNDS FEE N(S) AT \$35.00
8/18		ATLANTA HIGHWAY 7028-000798
enter a superior service and the service and t	100.00 WITHDRAWAL 3949 ATLANTA	DALRAIDA HIGH MONTGOMERY AL 7028W000799
8/28	0.00 INQUIRY 3949	ATLANTA HIGHWAY 7028-001754
2000 1000 1000 1000 1000 1000 1000 1000	100.00 WITHDRAWAL 3949 ATLANTA I	DALRAIDA HIGH MONTGOMERY AL 7028W001755
and other management of the production of the control of the contr	150.00 AUTOMATED DE CO. ID. 16303380	BIT ALFA LIFE ALFA LIFE 648 060830 PPD
9/07	0.00 INQUIRY 3949	ATLANTA HIGHWAY 7028-003344
9/07	2.00 SERVICE FEE	international consistency continues on the second construction of the second continues of the second c
Total	\$507.00	Antoning in the community of the property of the community of the communit

# Access Fifty Checking

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**Access Fifty Checking** 

9/08/2006 thru 10/10/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

Account Summary

 Opening balance 9/08
 \$2,422.93

 Deposits and other credits
 2,870.14 +

 Checks
 2,244.07 

 Automated Checks
 135.11 

 Other withdrawals and service fees
 199.44 

 Closing balance 10/10
 \$2,714.45

**Deposits and Other Credits** 

Date	Amount Description	politikusti kui sast <del>aan kii kii kui kiili</del> kantan kui – maan kon kiise san ku s <sub>a</sub> musike p. Amaan kalina m <del>usika kui</del> maa Kalit Kanstan in mettii kui maalimattii kui mit in mei mit.	erromante de como se propos de la constitución de cambiológica de constitución de como de constitución con con A constitución con constitución de constitución de la finita de constitución en seu constitución de constitució
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9/29		80400591 060929 PPD	
Total	\$2.870.14	garreyen mercepunyakketi. Sepitabah integerepaktinini seratangan ceran	DEC version - a littra Decellish de de Condre Sentiemposit pui cat dispetitististististististist at Abr

### Checks

Number	Amount	<u>Date</u>	<u>Number</u>	Amount	Date	<u>Number</u>	Amount	Date
0000	500.45	9/12	7310	······································	9/19	7321*	147.05	9/28
0000	135.52	9/15	7311	161.34	9/20	7322	50.05	10/03
7301*	90.00	9/15	7312	13.18	9/25	7323	92.06	10/05
7302	18.69	9/19	7313	222.00	9/26	7324	83.52	10/04
7303	35.00	9/11	7314	41.76	9/26	7325	97.00	10/04
7304	69.00	9/11	7315	27.57	9/26	7326	26.44	10/03
7306*	36.56	9/12	7316	42.35	9/28	7327	22.54	10/04
7307	138.00	9/14	7317	41.23	9/27	7328	62.57	10/04
7309*	45.10	9/19	7319*	25.00	9/27	Total	\$2,244.07	

<sup>\*</sup> Indicates a break in check number sequence

(checks could be listed under Automated Checks)



Case 2:07-cv-00971-MHT Document 3-10 Filed 10/29/2007 Page 31 of 42

Access Fifty Checking

23 104

1,719

**Automated Checks** 

Number 7320

Date

Description

10/02

AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITI OILS 061002 ARC

Total \$135.11

Other Withdrawals and Service Fees

Amount

135.11

Date Amount 9/25 47.44 Description

**PURCHASE WAL-MART #5348** MONTGOMERY AL 70281206654

150.00

AUTOMATED DEBIT ALFA LIFE CO. ID. 1630338648 060928 PPD **ALFA LIFE** 

10/10 2.00 Total \$199.44

SERVIČE FEE

Service Fees

Description CHECK ENCLOSURE FEE

Amount

Total 2.00

Total Fee(s) Average balance Minimum balance

\$2,673.33 \$1,643.92

\$2.00

Wachovia Online Statements Now Available:

Sign up for free Online Statements today to view, print and save up to 16 months of your bank statements. To sign up for Online Statements, simply log in to Online Banking at wachovia.com and select View Paper Statements. Not an Online Banking Customer? Enroll in Online Banking today at wachovia.com/enroll or by calling 800-950-2296.

Label	Vour first name and initial	Last name	2005 IRS Use Only	1	ite or staple in this space.  OMB No. 1545-0074
(See instructions.)	,			You	r social security number
•	ARTHUR T	FLOWERS			
Use the IRS label.	If a joint return, spouse's first name and initial	Last name		Spo	use's social security number
Otherwise,	KATHRYN S	FLOWERS			
please print or type.	Home address (number and street). If you have a P.O.	box, see instructions.	Apartment no	).	You must enter
	3345 HABERSHAM RD				your SSN(s) above
	City, town or post office. If you have a foreign address,	see instructions.	State ZIP code	Ch	ecking a box below wi
Presidential	MONTGOMERY		AL 36109		not change your tax or refund
Election					
Campaign	Check here if you, or your spouse if fili				
Filing status	1   Single	4			rson). (See instructions.)
Status	2 X Married filing jointly (even if only one had 3 Married filing separately. Enter spouse's S	•	If the qualifying person is		not your dependent,
	3	5 apove and	enter this child's name he		
Check only one box.	iuii iidiile liele	ə	Qualifying widow(er) (see instructions)	) with dep	endent child
	6 a X Yourself. If someone can claim	vou as a dependent de		· ·	
Exemptions	oa A roursen. Il someone can ciaim	you as a dependent, or	b not check box ba		Boxes checked on
	b X Spouse				6a and 6b
	c Dependents:	(2) Dependent		(4) v if	No. of children
	, o popularito	social securit		qualifying child for	on 6c who:  lived
	(1) First name Last name	number	to you	child tax credit	with you
If more than six dependents,					· ● did not live with
see instructions.					you due to divorce or
	-				separation
					Dependents
					on 6c not entered above
				<u>L</u>	•
•		·			Add numbers
·	<b>d</b> Total number of exemptions claimed.				on lines above
ncome			•		
Mark E 75	7 Wages, salaries, tips, etc. Attach Forn				
Attach Form(s) V-2 here. Also	8a Taxable interest. Attach Schedule 1 if			<u>8a</u>	1.
ttach Form(s) 099-R if tax	<ul><li>b Tax-exempt interest. Do not include on line 8a</li><li>9a Ordinary dividends. Attach Schedule 1</li></ul>				
vas withheld.	<b>b</b> Qualified dividends (see instructions).			<u>9a</u>	,
	10 Capital gain distributions (see instructions).			10	
	11 a IRA distributions	•	_ <b>11 b</b> Taxable amount		······································
	12a Pensions and annuities 12a		12b Taxable amount		
	13 Unemployment compensation and Alas	**************************************	_		
you did not et a W-2,	Permanent Fund dividends			13	
ee instructions.	14a Social security			,	
nclose, but o not attach,	benefits14a	13,500.	14b Taxable amount	14b	668.
ny payment.	15 Add lines 7 through 14b (far right colur	mn). This is yourtotal in	come	. ► 15	27,254.
djusted	16 Educator expenses (see instructions).				
róss	17 IRA deduction (see instructions)			-	
ncome	18 Student loan interest deduction (see in				
	19 Tuition and fees deduction (see instruc			<del></del>	
	20 Add lines 16 through 19. These are you	urtotal adjustments		20	
	<ul><li>20 Add lines 16 through 19. These are you</li><li>21 Subtract line 20 from line 15. This is yo</li></ul>			<u>20</u> .► 21	27.



Form 1040A (2005)

BAA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see instructions.

Tax. 22 Enter the amount from line 21 (adjusted gross income)	and the second second	Page
Tax, 22 Enter the amount from line 21 (adjusted gross income)	. 22	27,254
credits,	7	
and 23a Check You were born before January 2, 1941, Blind Total boxes checked. Spouse was born before January 2, 1941, Blind Checked. 23a		
b If you are married filing separately and your spouse itemizes deductions,	J	
Standard see instructions and check here ▶ 23b		
Deduction for — 24 Enter your standard deduction (see left margin)	. 24	10,000
People who	. 25	17,254
checked any box on line 26 If line 22 is over \$109,475, or you provided housing to a person displaced by Hurricane Katrina, see		
23a or 23b or instructions. Otherwise, multiply \$3,200 by the total number of exemptions claimed on line 6d		6,400
who can be claimed as a Subtract line 26 from line 25. If line 26 is more than line 25, enter -0 This is your taxable income	- 27	10,854
dependent, see 28 Tax, including any alternative minimum tax		10/001
instructions. (see instructions)	. 28	1,088.
All others:     Single or     Credit for child and dependent care expenses.		
Married filing Attach Schedule 2 29		
separately,   \$5,000   30 Credit for the elderly or the disabled. Attach Schedule 3 30	-	
31 Education credits. Attach Form 8863		
Married filing jointly or 32 Retirement savings contributions credit. Attach Form 8880 32 300.	-	
Qualifying 33 Child tax credit (see instructions). widow(er), Attach Form 8901 if required		Ä
widow(er),		
Head of 35 Add lines 29 through 34. These are yourtotal credits	35	300.
Household, 36 Subtract line 35 from line 28. If line 35 is more than line 28, enter -0		788.
\$7,300 37 Advance earned income credit payments from Form(s) W-2		700
Add lines 36 and 37. This is your <b>total tax</b> Federal income tax withheld from Forms W-2 and 1099	. 38	788.
40 2005 estimated tax payments and amount applied from		
If you have 2004 return		
a qualifying child, attach 41 a Earned income credit (EIC). 41 a		
a qualifying child, attach Schedule EIC.  41 a Earned income credit (EIC).		
a qualifying child, attach Schedule EIC.  41 a Earned income credit (EIC).  b Nontaxable combat pay election.  41 a  b Nontaxable combat pay election.  41 b  42 Additional child tax credit. Attach Form 8812.  42	; ;	, , , , ,
a qualifying child, attach Schedule EIC.  41 a Earned income credit (EIC).  b Nontaxable combat pay election.  41 a  b Nontaxable combat pay election.  41 a  b Nontaxable combat pay election.  42 Additional child tax credit. Attach Form 8812.  43 Add lines 39, 40, 41a, and 42. These are your total payments.	43	2,058.
a qualifying child, attach Schedule EIC.  41 a Earned income credit (EIC).  41 a b Nontaxable combat pay election.  41 b b Nontaxable combat pay election.  42 Additional child tax credit. Attach Form 8812.  43 Add lines 39, 40, 41a, and 42. These are your total payments.		
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a qualifying child, attach Schedule EIC.  41 a Earned income credit (EIC).  b Nontaxable combat pay election.  41 b  42 Additional child tax credit. Attach Form 8812.  43 Add lines 39, 40, 41a, and 42. These are your total payments.  44 If line 43 is more than line 38, subtract line 38 from line 43. This is the amount you overpaid.  45 a Amount of line 44 you wantrefunded to you.  b Routing number.  Circle (Dicking Savings)	44	1,270.
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a qualifying child, attach Schedule EIC.  41 a Earned income credit (EIC)	44 45 a  47  Delete the following entification	1,270. 1,270.
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Your social security number

(a) You

600

Form **8880** 

## **Credit for Qualified Retirement Savings Contributions**

OMB No. 1545-0074

(b) Your spouse

Department of the Treasury Internal Revenue Service

► Attach to Form 1040 or Form 1040A. ► See instructions. 2005

Attachment Sequence No. 129

Name(s) shown on return

ARTHUR T & KATHRYN S FLOWERS

CAUTION: You cannot take this credit if either of the following applies.

Traditional and Roth IRA contributions for 2005.Do not include

rollover contributions .....

- The amount on Form 1040, line 38, or Form 1040A, line 22, is more than \$25,000 (\$37,500 if head of household; \$50,000 if married filing jointly).
- The person(s) who made the qualified contribution or elective deferra(a) was born after January 1, 1988, (b) is claimed as a dependent on someone else's 2005 tax return, or (c) was a student (see instructions).

. 2	(see instructions) .	ions, and 501(c)(	18)(D) plan contribut	ions for 2005	2				
3					3	60	00.		
4	extensions) of your include <b>both</b> spouse	: 2005 tax return ( es' amounts in <b>bo</b> t	02 and <b>before</b> the disee instructions). If reference instructions in the columns. See inst	married filing jointly ructions for	4				
5	Subtract line 4 from	n line 3. If zero or	less, enter -0			60	0.		16 - 18 - 18 - 18 - 18 - 18 - 18 - 18 -
6	In each column, en	ter the <b>smaller</b> of	line 5 or \$2,000		6	60	00.		
7	Add the amounts of					27,25			600.
9	Enter the applicable	e decimal amount	shown below:		•				
	If line	8 is		And your filing st	atus is–			1	
	Over-	But not over	Married filing jointly	Head of household	separa	arried filing Itely, or widow(er)			
		\$15,000	Enter or	.5		5			
	#15.000	\$15,000 \$16,250	.5	.5		2 ·			
	\$15,000 \$16,250	\$22,500	.5	.5			9	x	0.5000
	\$22,500	\$24,375	.5 、	.2		·	2,05		0.0000
	\$24,375	\$25,000	.5	.1		1			
	\$25,000	\$30,000	.5	.1		0			
	\$30,000	\$32,500	.2	.1	.(	D			
	\$32,500	\$37,500	.1	.1		o			
	\$37,500	\$50,000	.1	.0	).	o			
	\$50,000		.0	.0	.0	0			
	<u> </u>	Note: If line	9 is zero, stop; you	cannot take this cre	dit.				
10	Multiply line 7 by lin	e 9					10		300.
11	Enter the amount from	om Form 1040, lin	e 46, or Form 1040A	, line 28	11	1,08	8.		
12	Enter the total of yo Form 1040A, lines 2	ur credits from Fo 9 through 31	rm 1040, lines 47 th	ough 50, or	12				
13	Subtract line 12 from						13		1,088.
14	Credit for qualified r Form 1040, line 51,	r <mark>etirement saving</mark> or Form 1040A, lii	s contributions Ente ne 32	r the <b>smaller</b> of line	10 or line 13	here and on	14		300.

# **Two-Year Comparison**

2005

ARTHUR T & KATHRYN S FLOWERS				T
Income	2004	2005	Difference	%
Wages, salaries, tips, etc	26,122.	26,585.	463.	1.7
Interest and dividend income	1.	1.	0.	_
State tax refund			,	
Business income (loss)				
Capital and other gains (losses)				-
IRA distributions				
Pensions and annuities				-
Rents and royalties				1
Partnerships, Scorps, etc				1
Farm income (loss)				
Social security benefits		668.	668.	
Income other than the above	-22,345.		22,345.	100.00
Total Income	3,778.	27,254.	23,476.	621.39
Adjustments to Income	600.		-600.	-100.00
Adjusted Gross Income	3,178.	27,254.	24,076.	757.58
Itemized Deductions				
Medical and dental	2,409.	508.	-1,901.	-78.91
Income or sales tax	860.	1,190.	330.	38.37
Real estate taxes	294.	294.	0.	0.00
Personal property and other taxes	16.	86.	70.	437.50
Interest paid	6,458.	7,012.	554.	8.58
Gifts to charity	803.	535.	-268.	-33.37
Casualty and theft losses			200.	
Miscellaneous	111.		-111.	-100.00
Phaseout of itemized deductions				
Total Itemized Deductions	10,951.	9,625.	-1,326.	-12.11
Standard or Itemized Deduction	10,951.	10,000.	-951.	-8.68
Exemption Amount	6,200.	6,400.	200.	3.23
Taxable Income	0.	10,854.	10,854.	
Income tax	0.	1,088.	1,088.	
Additional income taxes				
Alternative minimum tax			1 000	-
Total Income Taxes	0	1,088.	1,088.	
Nonbusiness credits		300.	300.	
Business credits		200	200	
Total Credits		300.	300.	
Self-employment tax				
Other taxes				
Total Tax After Credits	0.	788.	788.	
Withholding	2,003.	2,058.	55.	2.75
Estimated and extension payments				
Earned income credit				
Additional child tax credit				
Other payments				
Total Payments	2,003.	2,058.	55.	2.75
Form 2210 penalty			<u>-</u>	<del> </del>
Applied to next year's estimated tax		1 070		26.66
Refund	2,003.	1,270.	-733.	-36.60
Salance Due				

### **Tax History Report**

2005

► Keep for your records Social Security Number Name(s) Shown on Return ARTHUR T & KATHRYN S FLOWERS Five Year Tax History: 2004 2005 2003 2001 2002 MFJ MFJ MFJ Filing status ..... MFJ MFJ 16,926. -22,304. 3,778 27,254. 107,238. Total income ..... 600 600 Adjustments to income . . . . . . 3,178. 27,254. 107,238. 16,926. -22,904Adjusted gross income ...... 1,886. 1,170. 1,570. 1,195 5,108. Tax expense . . 7,012. 13,384. 12,299. 11,900 6,458. Interest expense ..... 803 535. 170. 800. Contributions ... 180 111. Miscellaneous deductions. 508. 1,957. 2,409. 3,626. Other itemized deductions ... 10,000. 15,232. 10,951 Total itemized/standard deduction... 18,611. 18,662 5,800. 6,000. 6,100. 6,200. 6,400. Personal exemptions..... 0. 0. 10,854. 82,776. 0. Taxable income ..... 1,088. 17,113 Alternative minimum tax..... 300. 107 1,269 Other taxes ... 2,003 2,058. 5,432 2,429. 18,531. Payments ..... Form 2210 penalty . . . . . . . Amount owed..... Applied to next year's estimated tax..... 149. 5,325 2,429. 2,003. 1,270. 0.00 2.89 0.00 0.00 15.96 

# **Tax Summary Report**

2005

of exemptions	26,585 1 668 27,254 27,254 508 1,570
3,178.	26,585 1 668 27,254 27,254 508 1,570
3,178.	1 668 27,254 27,254 508 1,570
3,178.	1 668 27,254 27,254 508 1,570
3,178.	1 668 27,254 27,254 508 1,570
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<u> </u>	
	7,012
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· · · · · · · · · · · · · · · · · · ·	
	9,625.
	0,400.
	10,854.
<u> </u>	1,088.
	·
	1,088.
<u>.</u>	300.
	300.
	788.
	2 050
	0.

	ı	Department of the Treasury — Internal	Revenue Service			_	1				
. Form 1040	) (	U.S. Individual Inco	me Tax Re	eturn 2	200	4	(99) IRS Use	e Only E	o not write o	r staple in th	is space.
		he year Jan 1 - Dec 31, 2004, or other		-	, 2004, er	ndina	, 20	I		3 No. 1545-00	
Label		first name		st name	, 200 ., 0.		,			security num	
(See instructions.)	ART	HUR	т т.	LOWERS				. 4			
		int return, spouse's first name		st name					Spouse's so	cial security	number
Use the IRS label.	ע אינו	HRYN	S F	OWEDC				1			
Otherwise,		address (number and street). If you ha		LOWERS instructions	-		Apartment	no			· A
please print		_					, iparanona		A in	nportant t enter yo	t! 🔺
or type.		5 HABERSHAM RD  cown or post office. If you have a foreign	n address see instr	uctions		State	zIP code			number(s	
Presidential			ir dadress, see man	300,0110.				- 1		12.77.201 (0,	, 450.0.
Election	MON	TGOMERY				AL	36109		*******		
Campaign	<b>N</b>	lote: Checking 'Yes' will not o	hange your tax	or reduce y	our refu	ınd.		_ You		Spous	
(See instructions.)		o you, or your spouse if filing	a joint return,	want \$3 to			<del></del>	Yes	<del></del>	Yes	
Filing Status	1				4 📙	Head o	f household (w	ith quali	fying pers	on). (See	<u> </u>
	2	Married filing jointly (even if	only one had incor	ne)		but not	tions.) If the qu your depender	nt. enter	this child	's	
Check only	3	Married filing separately. Ent	er spouse's SSN al	oove & full		name i	nere. ►				
one box.	•	name here 🟲			5	Qualifyin	g widow(er) with d	ependent o	child (see ins	structions)	
Exemptions	6	a X Yourself. If someone c	an claim you a	s a depende	nt, <b>do n</b> e	ot check	box 6a			checked and 6b	2
•		b X Spouse						<del>.</del> <u>_</u>		children	
				(2) Depen		(3)	Dependent's	(4) 🗸	if on 6c		
		c Dependents:		social se		re	lationship to you	qualify	ng live		•
		(1) First name	Last name	Hullib	iei		to you	tax cre	dit • did		
								(300 1113	due to	divorce	
	_		******				····		or sep: (see in	aration strs)	
If more than		recovered to the second se	•	<del> </del>	N				— Depen		
four dependents,										d above	· 
see instructions.										ımbers	
		d Total number of exemptions	s claimed				· · · · · · · · · · · · · · · · · · ·	<del></del>	above		2:
Income		Wages, salaries, tips, etc. A							7	26,	,122.
income		a Taxable interest. Attach Sci							8a		<u>1.</u>
•		b Tax-exempt interest. Do no									
Attach Form(s)	9	a Ordinary dividends. Attach	Schedule B if r	equired					9a		
W-2 here. Also attach Forms		b Qualfd divs (see instrs)			<u></u> <u>.</u>	9b				•	
W-2G and 1099-R		Taxable refunds, credits, or offsets		-				_	0		
if tax was withheld.	11								1		
If you did not	12 13								2	<del></del>	
get a W-2, see instructions.		Capital gain or (loss). Att Sch D if I Other gains or (losses). Atta							3 4		
see mad dedons.	15:	a IRA distributions	152		<b>h</b> Ta	vablo ar	nount (coo inct	rc\ 1	5 b		
		a Pensions and annuities					nount (see inst		6b		<del></del>
	-17	Rental real estate, royalties,	<del></del>	S corporatio					<del></del>		
Enclose, but do	18	Farm income or (loss). Attac									
not attach, any	19	Unemployment compensation						<del></del>	<del></del>	<del></del>	
payment. Also, please use	20 a	Social security benefits					nount (see inst		0 b		
Form 1040-V.	21	Other income NET OPERAT			_•			2		-22,	345.
<u> </u>	22	Add the amounts in the far		r lines 7 thro	ough 21.	This is	youtotal incom	ie. ► 2	2		778.
	23	Educator expenses (see inst	tructions)			23					
Adjusted	24	Certain business expenses of reserv	ists, performing ar	tists, and fee-ba	asis						
Gross		government officials. Attach Form 2°	106 or 2106-EZ			24					
Income	25	IRA deduction (see instruction	ons)			25	6	00.			
	26	Student loan interest deduct	ion (see instru	ctions)		26					
	27	Tuition and fees deduction (		•	<u> </u>	27					
	28	Health savings account dedu			<u> </u>	28					
	29	Moving expenses. Attach Fo				29					
	30	One-half of self-employment				30					
		Self-employed health insurar				31					
						32					
	33	Penalty on early withdrawal	of savings		· · · · · ·   _ ·	33					
	34 a	Alimony paid <b>b</b> Recipient's SSN				34 a					
		Add lines 23 through 34a Subtract line 35 from line 22						35			600. 178
	-20	SCIONALL INTERSO MOM MOR 22	THIS IS VOLUEN	uusien aroc	> INCOM	. 🖴		-1 20	. 1		1 / 🖂

# Case 2:07-cv-00971-MHT Document 3-10 Filed 10/29/2007 Page 39 of 42

Form <b>1040</b> (2004	-) A	RTHUR T & KATHRYN S FLOWER	.S						Page
Tax and		Amount from line 36 (adjusted gross inc						. 37	3,178.
Credits		Check _ You were born before Jan				nd. Total boxe			
[		if: Spouse was born before	January 2	., 1940,	Blir	nd. checked	- 38 a		
Standard Deduction	l i	If your spouse itemizes on a separate re	eturn, or y	you were a	a dual-	status			
for	L	alien, see instructions and check here	· • • • • • • • •	<i>.</i>					
• People who	39	Itemized deductions (from Schedule A) or your sta						39	10,951.
checked any box on line 38a or		Subtract line 39 from line 37						40	-7,773.
38b or who can	41	If line 37 is \$107,025 or less, multiply \$3	3,100 by 1	the total n	umber	of exemptions	claimed	41	6 000
be claimed as a dependent, see	42	on line 6d. If line 37 is over \$107,025, so Taxable income. Subtract line 41 from line 40.	ee the wo	orksneet ii	ппеп	istructions		41	6,200.
instructions.	-	If line 41 is more than line 40, enter -0						42	0.
All adhaus.	43	Tax (see instrs). Check if any tax is from: a Fo	orm(s) 8814	<b>b</b> Forr	n 4972 .		<i>.</i>	43	0.
All others:	44	Alternative minimum tax(see instruction	s). Attacl	h Form 62	251			44	
Single or Married	45	Add lines 43 and 44	. <b></b>	· · · · · · · · · · · · ·				45	0.
filing separately, \$4,850	46	Foreign tax credit. Attach Form 1116 if re							
	47	Credit for child and dependent care expenses. Attack			_				
Married filing	48	Credit for the elderly or the disabled. Atta			_				
Qualifying	49	Education credits. Attach Form 8863					- 100		
widow(er),	1	Retirement savings contributions credit.							
\$9,700	1	Child tax credit (see instructions)							•
Head of		Adoption credit. Attach Form 8839							
household, \$7,150		Credits from: a Form 8396 b Form 88					<del></del>		
φ7,150	1	Other credits. Check applicable box(es):	-		33				
<u> </u>	_]		<b>a</b> [] 10	1111 3000	54				
	55	b Form c Specify Add lines 46 through 54. These are yourt	atal arad			<u> </u>		EE	
		Subtract line 55 from line 45. If line 55 is						55 56	
		Self-employment tax. Attach Schedule SE						57	0.
Other		Social security and Medicare tax on tip income not re							
Taxes		Additional tax on IRAs, other qualified retirement pla							
Tuxus		Advance earned income credit payments						60	
		Household employment taxes. Attach Sch						61	
		Add lines 56-61. This is your total tax							0.
Daymonto		Federal income tax withheld from Forms					2,003.	98.55	<u>.</u>
Payments		2004 estimated tax payments and amount applied from				†	-,005.		
If you have a		Earned income credit (EIC)							
child, attach		Nontaxable combat pay election ▶ 65 b				-			
Schedule EIC.		excess social security and tier 1 RRTA tax withheld (s	ee instructi	ons)	. 66	1			
,	67 A	Additional child tax credit. Attach Form 88	312		. 67				
	68 /	Amount paid with request for extension to file (see in:	structions)	<u>.</u>	. 68				
		Other pmts from: a 🔛 Form 2439 🛭 🔲 Form 41	36 c [	Form 8885	69				•
	70 🕺	odd lines 63, 64, 65a, and 66 through 69. These are your total payments		_			<b>&gt;</b>	70	2,003.
Refund		line 70 is more than line 62, subtract line 62 from li	ne 70. This	is the amou	nt you o	verpaid		71	2,003.
Direct deposit?	72 a A	Amount of line 71 you wantrefunded to yo	u				▶	72a	2,003.
Sée instructions	► bF	Routing number	► c	: Type:	X Che	cking   S	Savings		
and fill in 72b, 72c, and 72d,	► d A	account number							
, 20, and , 24.	73 A	mount of line 71 you want applied to your 2005 esti	mated tax.		73				
Amount	74 A	mount you owe. Subtract line 70 from line 62. For d	etails on ho	w to pay, se	e instruc	tions	▶	74	
You Owe	75 E	stimated tax penalty (see instructions)			75				F-1
Third Party		vant to allow another person to discuss this return wi				x	es. Comp	lete the	following. No
Danier arty	Designee name		`	Phor			Pe	rsonal ider	ntification
		nalties of perjury, I declare that I have examined this re	turn and acc	no.	chedules	and statements a		of my kno	
-i.a.i.	belief, the	ey are true, correct, and complete. Declaration of prepare	rer (other th	an taxpayer)	is based	on all information	of which prepa	rer has an	y knowledge.
<b>-tere</b> Joint return?	Your si	gnature	Date	е	Your or	ccupation		Daytime i	phone number
See instructions.	_				DISA	ABLED			
Кеер а сору	Spouse	's signature. If a joint return, both must sign.	Date	•	Spouse	's occupation			
or your records.	<b></b>	·			MANA	AGER			
-	)			Date	Ī		4	Preparer's	s SSN or PTIN
Paid	Preparer's signature	· <b>)</b>			•	Check if self-emplo	yed		
reparer's f	irm's na	pe Professional Tax, LLC							
Jse Only	or yours elf-emplo	ved) 1711 Taliaferro Trail					EIN	63~12	274135
	iddress, a IP code	Montgomery		AL	3611	.7	Phone no.	(334)	

### SCHEDULE A

(Form 1040)

Department of the Treasury Internal Revenue Service (99)

### **Itemized Deductions**

► Attach to Form 1040. ► See Instructions for Schedule A (Form 1040). OMB No. 4545-0074

		(-7)			, ,
Name(s) shown o	n Form	1040		Your so	cial security number
ARTHUR T	&	KATHRYN S FLOWERS			
Medical		Caution. Do not include expenses reimbursed or paid by others.			
and	•	Medical and dental expenses (see instructions)		2,647.	
Dental Expenses	:	2 Enter amount from Form 1040, line 37 2 3, 178			
_,,	3	Multiply line 2 by 7.5% (.075)		238.	
		Subtract line 3 from line 1. If line 3 is more than line 1, enter -0			<b>4</b> 2,409.
	į	State and local (check only one box):			
		a Income taxes, or —	. 5	860.	
Taxes You		<b>b</b> X General sales taxes (see instructions)l			
Paid	e	Real estate taxes (see instructions)		294.	
(See	7	Personal property taxes		16.	
instructions.)	8	Other taxes. List type and amount ►	1 200		
			8		
<del></del>		Add lines 5 through 8			9 1,170.
Interest You Paid	10		10	6,458.	
TOU T AJU	11	Home mortgage interest not reported to you on Form 1098. If paid to the person from whom you bought the home, see			
		instructions and show that person's name, identifying number,			
		and address ►			
(See					
instructions.)					
Note.			11		
Personal interest is		Points not reported to you on Form 1098. See instrs for spcl rules	12		
not	13	Investment interest. Attach Form 4952 if required.			
deductible.		(See instrs.)	13		6 450
		Add lines 10 through 13	Abril 7100 September 1		<b>4</b> 6,458.
Gifts to Charity	15	Gifts by cash or check. If you made any gift of \$250 or more, see instructions	15	253.	
If you made	16	Other than by cash or check. If any gift of \$250 or			
a gift and		Other than by cash or check. If any gift of \$250 or more, see instructions. You must attach Form 8283 if	-11		
got a benefit for it, see		over \$500		290.	
instructions.	17	Carryover from prior year	17	260.	
	18	Add lines 15 through 17			803.
Casualty and					
Theft Losses	19	Casualty or theft loss(es). Attach Form 4684. (See instructions.).		<u></u>	9
Job Expenses	20	Unreimbursed employee expenses— job travel, union dues,			
and Most Other		job education, etc. Attach Form 2106 or 2106-EZ if			
Viscellaneous		required. (See instructions.)			
Deductions					
			20		
	21	Tax preparation fees	21	175.	
See	22	Other expenses – investment, safe deposit box, etc. List	494		
nstructions.)		type and amount	2.1		,
			22		
	23	Add lines 20 through 22	23	175.	
	24	Enter amount from Form 1040, line 37 24 3, 178.	30.0		
	25	Multiply line 24 by 2% (.02)	25	64.	
	26	Subtract line 25 from line 23. If line 25 is more than line 23, enter	-0		111.
Other	27	Other — from list in the instructions. List type and amount►			
liscellaneous		· · · · · · · · · · · · · · · · · · ·			
eductions				27	
otal	28	Is Form 1040, line 37, over \$142,700 (over \$71,350 if MFS)?			
emized		, , , , ,			
eductions		X No. Your deduction is not limited. Add the amounts in the fair	r right	column	
		for lines 4 through 27. Also, enter this amount on Form	1040, 1	ine 39 ▶ 28	10,951.
		Yes. Your deduction may be limited. See instructions for the a	amoun	t to enter	CANADA CANADA CANADA

Case 2:07-cv-00971-MHT Document 3-10 Filed 10/29/2007 Page 41 of 42 Page 2 Schedule A & B (Form 1040) 2004 OMB No. 1545-0074 Your social security number Name(s) shown on Form 1040. ARTHUR T & KATHRYN S FLOWERS Schedule B — Interest and Ordinary Dividends 80 List name of payer. If any interest is from a seller-financed mortgage and the buyer used the property as a personal residence, see the instructions and list this interest first. Also, show that buyer's social security number and address. Amount Part I Interest SOUTHTRUST BANK (See instructions for Form 1040, line 8a.) Note. If you received a Form 1099-INT, Form 1099-OID, or 1 substitute statement from a brokerage firm, list the firm's name as the payer and enter the total interest shown on that form. 2 1. Excludable interest on series EE and I U.S. savings bonds issued after 1989 3 4 Subtract line 3 from line 2. Enter the result here and on Form 1040, line 8a. Note. If line 4 is over \$1,500, you must complete Part III Amount List name of payer . . . Part II Ordinary Dividends (See instructions for Form 1040, line 9a.) Note, If you received a Form 1099-DIV or substitute statement 5 from a brokerage firm, list the firm's name as the payer and enter the ordinary dividends shown on that form. Add the amounts on line 5. Enter the total here and on Form 1040, line 9a 6 Note. If line 6 is over \$1,500, you must complete Part III You must complete this part if you(a) had over \$1,500 of taxable interest or ordinary dividends; o(b) had a No Yes foreign account; or (c) received a distribution from, or were a grantor of, or a transferor to, a foreign trust.

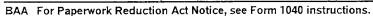
Part III
Foreign
Accounts
and
Trusts

instructions.)

(See

7a At any time during 2004, did you have an interest in or a signature or other authority over a financial account in a foreign country, such as a bank account, securities account, or other financial account? See instructions for exceptions and filing requirements for Form TD F 90-22.1.

8 During 2004, did you receive a distribution from, or were you the grantor of, or transferor to, a foreign trust? If 'Yes,' you may have to file Form 3520. See instructions......



b If 'Yes,' enter the name of the foreign country. .

Form 1040 Line 21

### Other Income Statement

2004 Statement

-
7.0

Name(s) Shown on Return ARTHUR T & KATHRYN S FLOWERS Social Security Number

		<b>(a)</b> Taxpayer	(b) Spouse
1	Child's investment income, from Form 8814		
2	Gambling winnings:	· -	
а	From Form W-2G		
b	Not reported on Form W-2G		
3	Taxable income from Form 1099-MISC:		
а	Substitute payments in lieu of interest or dividends		
b	Other income, prizes, awards, etc.		
С	Alaska Permanent Fund		
4	Taxable qualified tuition program distributions from		
	Form 1099-Q		
5	Taxable Grants from Form 1099-G		
6	Taxable Coverdell ESA distributions from Form 1099-Q		
7	Foreign earned income and housing exclusion, from Form 2555		
8	Net operating loss carryover from a prior yearSEE.SIMT	-11,173.	
9	Other income, from Schedule(s) K-1		
10	Taxable distribution from:		
a	Archer Medical Savings Accounts, and Long-Term Care		
	Insurance Contracts, from Form 8853		
b	Health Savings Accounts, from Form 8889		
11	Refunds or reimbursements of deductions claimed		
	in a prior year:	*.	
а	Reimbursement for deducted medical expenses		
b	Refunds of deducted taxes (other than state or local inc. taxes)		
	(enter type of tax)		
С	Recapture of deducted moving expenses		
d	1.		
е	Reimbursement for deducted employee business expenses		
f	Other refunds or reimbursements		
12	Recoveries of bad debts deducted in a prior year		
13	Jury duty pay		
14	Bartering income not reported elsewhere		
15	Income from the rental of personal property		
16	Income from the Cancellation of Debt:		
	From Form 1099-C, Amount of debt canceled (see Tax Help)		
b	From Schedule(s) K-1 (see Tax Help)	•	
17	Other taxable income:		
		l	
	<u> </u>		
18	Total. Add lines 1 through 17. Enter here and on Form		
	1040, line 21	-11,173.	-11,172.

### IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA **NORTHERN DIVISION**

IN THE MAT	TER OF:				
NAME:	ARTHUR T. FLOWERS, JR.	CHAPTER 7 CASE NO. 06-31560			
ADDRESS:	3345 HABERSHAM ROAD MONTGOMERY, AL 36109	CASE NO. 06-31560			
SSN:	7586 Debtor.				
FIA CARD S	ERVICES, N.A.	Adversary Proc. No. 07-03009			
	Plaintiff, versus				
ARTHUR T. I	FLOWERS, JR. Defendant.				
	AFFIDAVIT OF DE	FENDANT			
The ur	ndersigned, being duly sworn, depose	and say:			
1. such, am autl	I, Arthur T. Flowers, Jr. am the Defer horized to make this affidavit.	ndant in the above entitled action, and as			
2. this action or made a part o	2. I have read the Responses to Plaintiff's First Request For Admissions served in this action on Defendant. The said Responses are incorporated herein by reference and made a part of this Affidavit.				
3. Based on my own personal knowledge, each of the responses to items requested by the said parties is true and accurate, and to the extent that a request is based on information received from third parties, I believe it to be true.					
I certing belief.	fy that the foregoing is true and acc	urate to the best of my knowledge and			
This the 1	- Jawes Ja				
Arthur T. Flow Sworm to and	subscribed before me, this the	day of 2007.			
My commissio	n expires: 4/109				

#### **CERTIFICATE OF SERVICE**

Document 3-11

Gail Donaldson, attorney for the Defendant, hereby certifies to the Court as follows:

- I am not a party for the foregoing proceeding;
- 2. I am not less than 18 years of age;
- 3. I have this day served a copy of the foregoing **AFFIDAVIT OF DEFENDANT** on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

Arthur T. Flowers, Jr. 3345 Habersham Road Montgomery, AL 36109

### And Via the Court's Electronic Case Filing System to:

Barry Friedman Barry Friedman & Associates 257 St. Anthony St P.O. Box 2394 Mobile, AL 36652

To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;

Service to soutlined herein was made within the United States of America. 5.

Dated this the

of April, 2007.

Gal Donaldson

Bradford W. Botes

Attorneys for the Defendant

400 South Union Street, Suite 230

Montgomery, Alabama 36104

(334) 264-3363

FAX (334) 264-3340

e-mail: gdonaldson@bondnbotes.com

### IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

IN THE MAT	TTER OF:						
NAME: ARTHUR T. FLOWERS, JR.			CHAPTER 7				
ADDRESS: 3345 HABERSHAM ROAD MONTGOMERY, AL 36109			CASE NO. 06-31560				
SSN:	7586	Debtor.					
FIA CARD S	ERVICES, N.A.		Adversary Proc. No. 07-03009				
	versus	Plaintiff,					
ARTHUR T.	FLOWERS, JR.	Defendant.					
		AFFIDAVIT OF DEF	- ENDANT				
The u	ndersigned, being	duly sworn, depose a	nd say:				
1. such, am aut	I, Arthur T. Flowe horized to make th	ers, Jr. am the Defend nis affidavit.	dant in the above entitled action, and as				
2. Production se by reference	I have read the crved in this action and made a part c	on Defendant. The	Set of Interrogatories and Requests for said Responses are incorporated herein				
3. requested by on informatio	the said parties is	own personal knowle true and accurate, a lird parties, I believe i	dge, each of the responses to items nd to the extent that a request is based it to be true.				
I certi belief.	fy that the forego	oing is true and accu	rate to the best of my knowledge and				
This the	day of	pril 2007.					
Laston 3	). Howers JA						
Arthur T. Flow	verš, Jr. ()	10-th					
Sworn to and	subscribed before	me, this the Seal	day of 2007.				
My commissio	n expires: ///-	89					

#### **CERTIFICATE OF SERVICE**

Gail Donaldson, attorney for the Defendant, hereby certifies to the Court as follows:

- I am not a party for the foregoing proceeding;
- 2. I am not less than 18 years of age;
- 3. I have this day served a copy of the foregoing **AFFIDAVIT OF DEFENDANT** on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

Arthur T. Flowers, Jr. 3345 Habersham Road Montgomery, AL 36109

#### And Via the Court's Electronic Case Filing System to:

Barry Friedman Barry Friedman & Associates 257 St. Anthony St P.O. Box 2394 Mobile, AL 36652

4. To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;

5. Service as outlined herein was made within the United States of America.

Dated this the

day of <u>April</u>, 2007.

Gail Bonaldson

Bradford W. Botes

Attorneys for the Defendant

400 South Union Street, Suite 230

Montgomery, Alabama 36104

(334) 264-3363

FAX (334) 264-3340

e-mail: gdonaldson@bondnbotes.com

### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

) Case No. 06-31560
) )
) Chapter 13
) AP No. 07-03009 )
) )
)
<b>)</b>

### **MOTION FOR SUMMARY JUDGMENT**

**NOW COMES** the Defendant, Arthur T. Flowers, Jr., by and through counsel, and moves this Honorable Court to enter, pursuant to Rule 56 of the Rules of Civil Procedure as incorporated in Rule 7056 of the Federal Rules of Bankruptcy Procedure, a summary judgment in the Defendant's favor and against the Plaintiff, FIA Card Services, N.A., alleging and stating as follows:

- 1. The Plaintiff filed a Complaint alleging that the Defendant obtained credit from the Plaintiff in the amount of \$4000.00 by false pretenses, false representations and/or actual fraud and that Defendant should not be granted a discharge with respect to such debt pursuant to the provisions of 11 U.S.C. §523(a)(2).
- 2. The Plaintiff has failed to produce any evidence whatsoever to support its assertions. There is no genuine issue as to any material facts. The Defendant is entitled to a judgment as a matter of law. This Motion for Summary Judgment against the Plaintiff is further based upon the following:
- a. The pleadings in this case.

b. The affidavit of the Defendant in support of this Motion for Summary Judgment. See Exhibit A.

Document 3-13

- c. The Defendant's First Set of Interrogatories and Requests for Admission and the Plaintiff's responses thereto. See Exhibit B.
- d. The fact that Plaintiff did not attend the Section 341(a) Meeting of Creditors in Debtor/Defendant's bankruptcy, and did not conduct a Rule 2004 deposition of Debtor/Defendant at any time prior to filing this Adversary Proceeding Complaint. See Plaintiff's Response to Defendant's Request for Admission (12).
- e. The fact that Plaintiff did not attend the Scheduling Conference held before this Court on April 10, 2007.
- f. Inexplicably, the discovery requests propounded by the Plaintiff to the Defendant on or about March 12, 2007 listed the Plaintiff by a different name than that used in the Complaint filed by Plaintiff (Complaint names Plaintiff as FIA Card Services, N.A. - Discovery Requests name Plaintiff as MBNA America, N.A.). See Exhibits C and D.
- 3. Plaintiff clearly did not and does not have any evidence of Debtor/Defendant's alleged intent to defraud pursuant to 11 USC § 523(a)(2)(A) as alleged in this Adversary Proceeding.
- 4. Summary judgment is proper where there are no genuine issues of material fact in dispute and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). The judge is not to "weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986). A genuine issue for trial exists only when there is sufficient "evidence on which the jury could reasonably find for the plaintiff." Id. at 252.

WHEREFORE, the Defendant respectfully requests that this Honorable Court grant a Summary Judgment in favor of the Defendant and against the Plaintiff. The Defendant further prays that this Court will enter an Order:

Declaring the debt in question dischargeable. (a)

- Awarding the Debtor attorney fees and costs, pursuant to 11 U.S.C. §523(d).
- That the Plaintiffs shall have such other and further relief as the (c) Court may deem just and proper.

Respectfully submitted,

/s/ Gail Donaldson Gail Donaldson Bradford W. Botes Bond, Botes, Shinn & Donaldson, P.C. Attorneys for the Defendant/Debtor Arthur T. Flowers, Jr.

### **CERTIFICATE OF SERVICE**

I hereby certify that I have on this 2<sup>nd</sup> day of May, 2007, served a copy of the foregoing Motion for Summary Judgment on Barry Friedman, Barry Friedman & Associates, 257 St. Anthony Street, P.O. Box 2394, Mobile, AL 36652, Attorney for FIA Card Services, N.A. by United States mail and, by mailing the same by United States mail properly addressed and First Class Postage prepaid.

> /s/ Gail Donaldson Gail Donaldson Attorney for Plaintiff 400 South Union Street Suite 230 Montgomery, AL 36104 Phone (334) 264-3363 fax (334) 264-3340 GDonaldson@bondnbotes.com

### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

In the Matter of:	
	) Case No. 06-31560
	)
ARTHUR T. FLOWERS, JR.	)
	)
	)
Debtor	) Chapter 13
Debloi	) Chapter 10
FIA CARD SERVICES, N. A.	) AP No. 07-03009
•	)
	)
Plaintiff	)
v.	)
ADTIMOT ELOMEDO ID	(
ARTHUR T. FLOWERS, JR.,	<b>,</b>
Defendant	, \
Deleliaalit	1

### AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Before me the undersigned Notary Public, appeared Arthur T. Flowers, Jr. and states as follows:

My name is Arthur T. Flowers, Jr. and I am the Defendant in this Adversary Proceeding. I am submitting this affidavit in support of the Motion for Summary Judgment.

I am disabled and face serious medical conditions. I am currently awaiting a heart transplant. On June 7, 2006, I suffered a cardiact arrest and died for a few minutes but was revived by doctors. I suffer short term memory loss as a result of my health condition.

I first consulted the law firm of Bond, Botes, Shinn & Donaldson, P.C. on October 27, 2006 in order to explore my legal rights with respect to the financial problems I was experiencing. Prior to that time, I remained optimistic that I would be able to work my way out debt. I had always paid my bills and had every intention to repay my debt. I did not think that I would need to seek bankruptcy relief. At no time did I intend to obtain credit from the Plaintiff by false pretenses, false representations and/or actual fraud.

Exhibit A

Sworn to and subscribed before me, the undersigned Notary Public, on this the 2<sup>nd</sup> day of May, 2007.

Notary Public
My Commission expires 11-1-09

#### IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA **NORTHERN DIVISION**

IN THE MATTER OF:

ARTHUR T. FLOWERS, JR. 3345 HABERSHAM ROAD **MONTGOMERY, AL 36109**  **CHAPTER 13 NO. 06-31560** 

SSN: 7586	DEBTOR(S	5)
FIA CARD SERVICES, N.A.	,	 Adv. Proc. No. 07-03009
versus ARTHUR T. FLOWERS, JR.	Plaintiff,	
	Defendant.	
	Defendant.	····

#### **DEFENDANT'S RESPONSES TO** FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION

**NOW COMES** the Defendant, by and through his attorney of record, and hereby responds to the First Set of Interrogatories and Requests for Production, in accordance with Rule 7033 of the Federal Rules of Bankruptcy Procedure and Rule 33 of the Federal Rules of Civil Procedure.

#### **GENERAL OBJECTIONS**

- 1. The Defendant objects to each interrogatory and/or each document request insofar as it or any portion of any interrogatory or request seeks to impose on the Defendant obligations other than those required by the Federal Rules of Civil Procedure or the local bankruptcy rules of the United States Bankruptcy Court for the Middle District of Alabama.
- The Defendant further objects to each interrogatory and/or request to the extent that it seeks or implicates information protected by the attorney-client privilege, work product doctrine or any other privilege or protection from discovery.
- Further, the Defendant objects to each interrogatory and/or request to the extent that the discovery is obtainable from some other source that is more convenient, less burdensome, less expensive or to the extent that responding would be oppressive, unduly burdensome or expensive.
- The Defendant further objects to each interrogatory and/or request to the extent that it seeks documents that are publicly available or matters of public record or information that is not in the Defendant's possession, custody or control.

- 5. The Defendant objects to the definitions or instructions to the extent that they seek to define the terms in a manner that is inconsistent with the Federal Rules of Civil Procedure or are overly broad, erroneous or misleading.
- 6. The Defendant objects to the extent that the discovery requested is in the custody and control of the Plaintiff or obtainable by the Plaintiff in the same manner that the Defendant would obtain responsive information.

#### **INTERROGATORIES**

1.

ANSWER: 54 years of age; completed one year of college; currently disabled, not employed since May, 2002

2.

ANSWER: Claud Fleahop Road, Tallassee, AL 36078

3.

ANSWER: Chase (2 accounts); Discover; Lowe's; MBNA/Bank of America; Sears

4.

ANSWER: Any cards used are listed in bankruptcy petition. I do not know any exact dates, amounts or whether they were charges or cash advances for any specific cards.

5.

ANSWER:	12-01-06	MBNA	\$350.00
	01-02-06	MBNA	\$475.00
	01-10-06	Sears	\$100.00
	01-13-06	Chase Card Services	\$300.00
	01-18-06	Discover	\$200.00
	02-01-06	Lowes	\$75.00
•	02-06-06	MBNA	\$520.00
	02-08-06	Sears	\$100.00
	02-15-06	Chase Card Services	\$300.00
	02-21-06	Discover	\$200.00
	02-28-06	Lowes	\$100.00
	03-02-06	<b>Chase Card Services</b>	\$310.00
	03-03-06	MBNA	\$475.00
	03-13-06	Sears	\$100.00
	03-17-06	Chase Card Services	\$300.00
	03-20-06	Discover	\$200.00
	04-01-06	Chase Card Services	\$300.00
	04-04-06	MBNA	\$450.00
	04-03-06	Lowes	\$100.00
	04-11-06	Sears	\$100.00
	04-12-06	Discover	\$200.00
	04-12-06	Chase Card Services	\$300.00
	05-01-06	Lowes	\$100.00
	05-02-06	MBNA	\$485.00
	05-02-06	Chase Card Services	\$360.00
	05-15-06	Sears	\$130.00
	05-15-06	Chase Card Services	\$300.00

05-22-06	Discover	\$200.00
05-27-06	Chase Card Services	\$360.00
05-31-06	Lowes	\$50.00
06-05-06	MBNA	\$505.00
06-07-06	Sears	\$130.00
06-18-06	Discover	\$200.00
06-17-06	<b>Chase Card Services</b>	\$350.00
06-29-06	<b>Chase Card Services</b>	\$325.00
07-03-06	Lowes	\$100.00
07-05-06	MBNA	\$510.00
07-11-06	Sears	\$100.00
07-14-06	Chase Card Services	\$380.00
07-21-06	Discover	\$250.00
08-01-06	Lowes	\$100.00
08-02-06	MBNA	\$530.00
08-14-06	Sears	\$125.00
08-21-06	Discover	\$200.00
08-21-06	Chase	\$350.00
08-29-06	Lowes	\$100.00

May have others but unable to locate records; will supplement when/if records found. Source of payments was household income.

6.

ANSWER: No

7.

None to date. ANSWER:

8.

ANSWER: None to date.

9.

ANSWER: The first time I consulted with an attorney was October 27, 2006. The attorney was Gail Donaldson.

10.

My wife and I married in 1998 and moved to Eclectic, AL. I was earning approximately \$40,000 per year with Wilson Oil and my wife earned approximately \$50,000 per year with HK Systems. We supported a family of four. My step-daughter had a baby in January, 2000 and another in June, 2003 which we also supported. Both my wife and I commuted approximately 90 miles per day to work. In January, 2001, my wife lost her job after 23 years and was not able to find a job until July, 2001. Her new job paid one half of her previous salary. My income decreased to straight salary of approximately \$350.00 gross per week due to increase gasoline prices. My commission income ended with the gasoline prices increasing. My wages decreased 50%. In May, 2002, the store I managed was sold and I lost my job. In September, 2002 my mother fell and injured her hip and was forced to move in with us. She soon began to exhibit Alzheimer's disease and required full time supervision. She lived with us until she passed away in June, 2003. My health continued to get worse and in addition to my heart surgery, I developed diabetes and thyroiditis. We placed our house on the market in January or February, 2003. We initially tried to

sell it ourselves to get as much as possible but we were unable to sell it. We were forced to list it with a realtor in April or May, 2003. Our profit was only \$2500 which only covered our moving expenses and fence replacement at the new house. I applied for SS disability and was approved in April, 2004.

In June, 2006, I suffered a full cardiac arrest with some brain damage. I had to have a defibrillator placed in my heart and must be followed closely by a physician. In September, 2006, I suffered another cardiac arrest and fell and busted my head open and required stitches. I am currently being evaluated for a heart transplant.

11.

ANSWER: NONE

12.

ANSWER: NONE

13.

ANSWER: My wife. Bank records to complete number 5.

**RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS** 

1.

ANSWER: No witnesses to be called to date.

2.

ANSWER: None known.

3.

ANSWER: The ones I do have are attached.

4:

ANSWER: January, 2006 through October 10, 2006 are attached.

5.

ANSWER: 2005 and 2004 Tax returns are attached

Dated this the  $11^{TH}$  day of April, 2007.

Gail Donaldson Bradford W. Botes

Bond, Botes, Shinn & Donaldson, P.C.

Attorneys for the Defendant

400 South Union Street, Suite 230

Montgomery, Alabama 36104

Phone (334) 264-3363 FAX (334) 264-3340

e-mail: Gdonaldson@bondnbotes.com

#### **CERTIFICATE OF SERVICE**

Gail Donaldson, Attorney for the Defendant, hereby certifies to the Court as follows:

- I am not a party for the foregoing proceeding;
- I am not less than 18 years of age;
- 3. I have this day served a copy of the foregoing **DEFENDANTS'S RESPONSES TO FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS** on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, (or by certified mail, return receipt, postage prepaid, as indicated below),

postage prepaid, (or by certified mail, return receipt, postage prepaid, as indicated below), addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

Debtor

#### And Via the Court's Electronic Case Filing System to:

Barry Friedman Barry Friedman & Associates 257 St Anthony St P.O. Box 2394 Mobile, AL 36652

4. To the best of my knowledge, information and belief, the parties in interest are not infants or incompetent persons;

5. Service as outlined herein was made within the United States of America.

Dated this the 11th day of April, 2007.

Gail Donaldson Bradford W. Botes

Bond, Botes, Shinn & Donaldson, P.C.

Attorneys for the Defendant

400 South Union Street, Suite 230

Montgomery, Alabama 36104

(334) 264-3363

FAX (334) 264-3340

e-mail: Gdonaldson@bondnbotes.com

Case 2:07-cv-00971-MHT

Document 3-15

Filed 10/29/2007

Page 6 of 42

Call us a\* 4 -800-917-7700 rscard.com

Go to ww Write to us at PO Box 6924 The Lakes, AV 88901-6924

**Payment Due Date** 

12/07/06

Amount.



Sears Card®

MR TAL FLOWERS JR **Account Numb** Page 1 of 2

Your Account Summary

Billing Cycle Closing Date	11/09/06
Amount Over Credit Line	\$0:00
Amount Past Due	\$505.10
Total Minimum Due	\$689.60
Previous Balance	<b>\$4,</b> 273.55
Payments & Credits	\$0:00
Purchasés & Debits 💮 👙	\$0.00
Other Charges 🐣 💮 🕆	<b>\$3</b> 5.00
Fotal FINANCE CHARGES	\$104.50
Account Balance	-\$4,413.05

Your Credit Summan

Total Credit Line \$4,630.00 Total Credit Available \$216.00

Sale Date 11/08/06 11/08/06

LATE PAYMENT FEE 35.00

YOUR ACCOUNT IS SERIOUSLY PAST DUE, AMOUNT PAST DUE IS SHOWN ABOVE. ARRANGEMENTS FOR FUTURE PAYMENTS SHOULD BE MADE IMMEDIATELY.

DUE TO YOUR CREDIT PERFORMANCE, WE HAVE DECREASED YOUR CREDIT LINE: CREDIT LINES ARE REVIEWED REGULARLY, YOUR PROMPT AND REGULAR PAYMENTS OF THE "MINIMUM AMOUNT DUE" WILL IMPROVE YOUR CREDIT STANDING.

What Is

Sears Card® Account Numb

**Account Balance** \$4,413.05

Payment Due Date 12/07/06

Total Minimum Due \$689.60

Amount Enclosed

1.1.1.1.11.11.1.11.11.11.11.11.11.1.11.11.11.11.11.11.11

\$

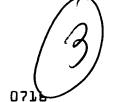
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06313 1 TRS006 FXG 001 7 N

lalla llandllhadaladaladandlladaladalatadl

MR TAL FLOWERS JR 3345 HABERSHAM RD **MONTGOMERY AL 36109-4317**  Make check payable to SEARS CREDIT CARDS PO BOX 183081 COLUMBUS, OH 43218-3081

Please make address changes on reverse side.





# Document Due Date:

Minimum Payment Due:

Filed/90/2000 Orustoman service 42 \$1,7d

In U.S. 1-800-945-2000 Español 1-888-446-3308 TDD 1-800-955-8060

Pay by phone 1-800-436-7958 Outside U.S. call collect 1-302-594-8200

MASTERCARD ACCOUNT SUMMARY Account Numb

Previous Balance Purchases, Cash, Debits Finance Charges

New Balance

\$12,451.95 +\$39.00 +\$321.33 \$12,812.28

**Total Credit Line** Available Credit Cash Access Line Available for Cash

\$12.900 \$87 \$12,900 \$0

0318

**ACCOUNT INQUIRIES** P.O. Box 15298

Wilmington, DE 19850-5298

**PAYMENT ADDRESS** P.O. Box 94014 Palatine, IL 60094-4014

VISIT US AT: www.chase.com/creditcards

A late fee is reflected on this billing statement. Your minimum payment reflects 1% of your statement balance, plus any past-due amount, billed interest, and the billed late fee.

You haven't made the required payments and your credit card account is 90 days past due a result, your credit bureau may be updated with a negative rating. Please send your payment immediately or call us at 1-800-955-8030 (collect 1-302-594-8200) today.

**FLEXIBLE REWARDS SUMMARY** Previous points balance

Points earned on purchases this period 0 0 Member-Get-Member bonus points 0 Member-Get-Member bonus points 0 New total points balance

To redeem your Flexible Rewards points, call 1-800-603-2265, or log on to www.ChooseMyRewards.com for 24-hour access to your rewards program.

TRANSACTIONS

Trans Date Reference Number Merchant Name or Transaction Description		Amount Credit Debit
11/05	LATE FEE	\$39,00
1 1/05	LATETIC	

0

#### FINANCE CHARGES

Category	Daily Periodic Rate 31 days in cycle	Corresp.	Average Daily Balance	Due To Periodic Rate	Transaction Fee	Accumulated Fin Charge	FINANCE CHARGES	
Purchases	V .08217%	29.99%	\$3,048.96 \$9.565.27	\$77.67 \$243.66	\$0.00 \$0.00	\$0.00	\$77.67 \$243.66	
Cash advances Total finance ch		29.9976	ф <del>3</del> ,300.27	ψ243.00	ψο.σσ	<b></b>	\$321.33	

Effective Annual Percentage Rate (APR):

29.99%

Please see Information About Your Account section for balance computation method, grace period, and other important information.

The Corresponding APR is the rate of interest you pay when you carry a balance on any transaction category. The Effective APR represents your total finance charges - including transaction fees such as cash advance and balance transfer fees - expressed as a percentage.

#### **IMPORTANT NEWS**

Whether you are traveling for the holidays or preparing the feast, be sure to use your Flexible Rewards card. Earn 1 point for every \$1 in eligible purchases. Reward yourself with merchandise, gift cards, travel, or a cash-back check. Go to www.ChooseMyRewards.com to redeem your points.



Prepared for:

ARTHUR T FLOWERS

**Professional Engineers** 

October 2006 Statement Credit Line: \$34,200.00

Cash or Credit Available:

Account Information Summary of Transactions		Billing Cycle and Paymer		For Information on Your Account www.mbnanetaccess.com Mail Payments to:
Previous Balance Payments and Credits Cash Advances Purchases and Adjustments Periodic Rate Finance Charges Transaction Fee Finance Charges	\$21,943.46 \$0.00 \$0.00 \$48.99 \$409.10 \$0.00	Days in Billing Cycle Closing Date  Payment Due Date Current Payment Due Past Due Amount	29 10/07/06 11/02/06 \$667.00 + \$1,155.00	MBNA AMERICA P.O. BOX 15726 WILMINGTON, DE 19886-5726 Mail Billing Inquiries to: MBNA AMERICA P.O. BOX 15026 WILMINGTON, DE 19850-5026
New Balance Total	\$22,401.55	Total Minimum Payment Due	\$1,822.00	Call toll-free 1-800-789-6701 TDD hearing-impaired 1-800-346

Customer Service	
For Information on Your Account Visit	
www.mbnanetaccess.com	
Mail Payments to:	
MBNA AMERICA	_
P.O. BOX 15726	
WILMINGTON, DE 19886-5726	
Mail Billing Inquiries to:	
MBNA AMERICA	
P.O. BOX 15026	
WILMINGTON, DE 19850-5026	
Call toll-free 1-800-789-6701	_
TDD hearing-impaired 1-800-346-3178	)
	_

	Posting	Transaction	Reference	Account		
Purchases and Adjustments	Date	Date	Number	Number	Category	Amount
PRIVACY ASST 800516956 800-5169561 DE	09/16	09/15	2246	9921	Č	9.9
19091513092913						
ATE FEE FOR PAYMENT DUE 10/02	10/02	10/02	1953		C	39.0

Category	Periodic Rate	Corresponding Annual Percentage Rate	Balance Subject to Finance Charge
Cash Advances			
A. Balance Transfers, Checks	0.063671% DLY *	23.24%	\$4,329.96
B. ATM, Bank	0.063671% DLY *	23.24%	\$0.00
C. Purchases	0.063671% DLY *	23.24%	\$10,287.11
D. Other	0.063671% DLY *	23.24%	\$7,539.17
Annual Percentage Rate for this Billing		2027/0	23.24

\* Periodic Rate May Vary

#### Important Information About Your Account

YOU ARE A VALUED CUSTOMER. WE WANT TO MAKE SURE YOU ARE AWARE THAT WE HAVE NOT RECEIVED YOUR PAYMENT. PLEASE SEND THE AMOUNT DUE TODAY. IF IT HAS BEEN MAILED, THANK YOU.

YOUR STATEMENT AND ENVELOPE HAVE A NEW LOOK AND FEEL THIS NEW EASY-TO-READ FORMAT WILL HELP YOU REVIEW YOUR STATEMENT FASTER. TO LEARN MORE ABOUT HOW TO FIND IMPORTANT INFORMATION ON YOUR IMPROVED STATEMENT, SEE THE ENCLOSED INSERT.

DON'T LET UNEXPECTED EVENTS AFFECT YOUR HARD EARNED CREDIT. TO PROTECT YOUR ACCOUNT, CALL 1-800-280-2528 TODAY.

80 0224015500182200000530000004264290106009921

MBNA AMERICA P.O. BOX 15726 WILMINGTON, DE 19886-5726 

1 0001B04 00557 0700000001 USE111 00010-10 ARTHUR T FLOWERS 3345 HABERSHAM RD MONTGOMERY AL 36109-4317-457

Check here for a change of mailing address or phone number(s). Please provide all corrections on the reverse side, Payment Information ACCOUNT NUMBER: 9921 NEW BALANCE TOTAL: \$22,401.55 PAYMENT DUE DATE: 11/02/06 Enter Payment Amount Enclosed TOTAL MINIMUM PAYMENT DUE \$ 51,822.00

Mail this payment coupon along with a check or money order payable to: MBNA AMERICA





# Document 3e15 Payment Due Date:

Payment Due Date: Minimum Payment Due:

#### оБінеф 10/20062003том Раздея 9 of 42

TDD

\$1,214.0\(\begin{array}{ccc} \text{U.S.} & 1-8 \\ \text{zspañol} & 1-8 \\ \text{cspañol} & \text{1-8} \\ \text{cspañol} & \text{cspañol} & \text{1-8} \\ \text{cspañol} & \text{cspañol} & \text{1-8} \\ \text{cspañol} & \text{cspañol} & \text{cspañol} & \text{cspañol} \\ \text{cspañol} & \text{cspañol} & \text{cspañol} & \text{cspaño

1-806 --2000 1-888-446-3308 1-800-955-8060

Pay by phone 1-800-436-7958 Outside U.S. call collect 1-302-594-8200

#### MASTERCARD ACCOUNT SUMMARY Account Number

Previous Balance Purchases, Cash, Debits Finance Charges

New Balance

\$12,110.66 +\$39.00 +\$302.29

\$12,451,95

Total Credit Line Available Credit Cash Access Line Available for Cash \$16,000 \$3,548 \$16,000 \$0

**ACCOUNT INQUIRIES** 

P.O. Box 15298 Wilmington, DE 19850-5298

PAYMENT ADDRESS P.O. Box 94014 Palatine, IL 60094-4014

VISIT US AT:

www.chase.com/creditcards

A late fee is reflected on this billing statement. Your minimum payment reflects 1% of your statement balance, plus any past-due amount, billed interest, and the billed late fee.

The charge privileges on your credit card account have been revoked. You no longer have the ability to use your credit card account for purchases. We can help you get back on track. Call 1-800-955-8030 (collect 1-302-594-8200) today.

The new APR and promotional rate expiration reflected on this statement is a result of a late payment on your account. For your convenience, you can always pay online by accessing our website displayed on this statement.

FLEXIBLE REWARDS SUMMARY

Previous points balance 7,126
Points earned on purchases this period 0
Member-Get-Member bonus points 0
Member-Get-Member bonus points 0
New total points balance 0

in 1986 di Angel Ada Gantani. Kabawi indice<mark>stikatika Agad</mark> 1997 in hilipi geomenia di Awangan di

To redeem your Flexible Rewards points, call 1-800-603-2265, or log on to www.ChooseMyRewards.com for 24-hour access to your rewards program.

#### **TRANSACTIONS**

Trans Date	Reference Number	Merchant Name or Transaction Description	Amount Credit Debit
10/06		LATE FEE	\$39.00

#### **FINANCE CHARGES**

Category	Daily Periodic Rate Co	orresp.	Average Daily Balance	Due To		Accumulated	FINANCE
0,	, ,			Periodic Rate	Fee	Fin Charge	CHARGES
Purchases	V .08217% 2		\$2,933.98	\$72.33	\$0.00	\$0.00	\$72.33
Cash advances	V .08217% 29	9.99%	\$9,328.60	\$229.96	\$0.00	\$0.00	\$229.96
Total finance ch	narges						\$302.29

#### Effective Annual Percentage Rate (APR):

29.99%

Please see Information About Your Account section for balance computation method, grace period, and other important information.

The Corresponding APR is the rate of interest you pay when you carry a balance on any transaction category. The Effective APR represents your total finance charges - including transaction fees such as cash advance and balance transfer fees - expressed as a percentage.

Cardmember since 1986	Closing Date: October 20, 2006		page 1 o
Account Number Payment Due Date Minimum Payment Due Credit Limit Credit Available Cash Credit Limit Cash Credit Available \$3,560.00 \$3,560.00 \$3,560.00 \$3,560.00 \$3,560.00 \$3,560.00	Previous Balance Payments And Credits Purchases Cash Advances Balance Transfers Finance Charges New Balance You may be able to avoid Periodic Finance	- + + + + = • Charge	\$7,278. 0. 39. 0. 0. 122. \$7,439. ss, see the
Cashback Bonus®  Cashback Bonus® Since Anniversary Date	Opening Cashback Bonus Balance New Cashback Bonus Earned  Cashback Bonus Balance Available to Redeem	\$ + \$	25.7 0.0 <b>25.7</b>

## How Can We Help You?

Please have your Discover Card available. Manage your account online at Discovercard.com Customer Service: 1-800-DISCOVER (1-800-347-2683) For Account Inquiries, write to us at: Discover Platinum Card, PO Box 30943 Salt Lake City, UT 84130

TDD (Telecommunications Device for the Deaf): For assistance, see reverse side.

Transactions

\$0 Fraud Liability Guarantee Use your Discover Card with confidence.

Trans.

Other/Miscellaneous

₫

Oct 20 Oct 20 LATE FEE 39.00

page 1 of 2 \$7,278.00 0.00 39.00 0.00 0.00 122.01 **\$**7,439.01

> 25.73 0.00 25.73

### Information For You

The address provided in your Cardmember Agreement to request a beneficiary designation form for your Scheduled Air Travel Accident Insurance has changed. The new address is AIG Accident & Health Division, 300 South Riverside Plaza, Suite 2100, Chicago, Illinois 60606-6613.

While we are permitted under the Cardmember Agreement to increase the APRs on your Account because your payment was late, we have chosen not to do so at this time. We have terminated, however, any introductory or promotional rate on purchases and any special balance transfer rate, and applied the standard APR for purchases to your outstanding balance of purchases and balance transfers. However, we reserve the right to increase the APRs on your Account if you fail to pay the minimum payment due by the payment due date. See the Default Rate Plan section of the Cardmember Agreement for details.

\*\*\*\*\*\* ATTENTION \*\*\*\*\*\* ATTENTION \*\*\*\*\*\* ATTENTION \*\*\*\*\*\* ATTENTION \*\*\*\*\*\*\*\* We previously requested the past due amount on your account. We have no record of receiving payment. The amount due should be paid at once.

DISCOVER



# Doc Sintement Bate 5 Payment Due Date:

Minimum Payment Due:

FOR ENGINEER OF 42 11/20/0 \$1,396.\

n U.S.

1-888-446-3308

Español TDD 1-800-955-8060 Pay by phone 1-800-436-7958 Outside U.S. call collect

1-302-594-8200

VISA ACCOUNT SUMMARY

Previous Balance

Finance Charges

New Balance

Purchases, Cash, Debits

\$15,149.91 +\$39.00 +\$375.97

\$15,564.88

**Total Credit Line** Available Credit Cash Access Line Available for Cash

**Account Number** 

\$17,300 \$1,735 \$17,300

ACCOUNT INQUIRIES

P.O. Box 15298

Wilmington, DE 19850-5298

**PAYMENT ADDRESS** P.O. Box 94014 Palatine, IL. 60094-4014

VISIT US AT:

www.chase.com/creditcards

A late fee is reflected on this billing statement. Your minimum payment reflects 1% of your statement balance, plus any past-due amount, billed interest, and the billed late fee.

The charge privileges on your credit card account have been revoked. You no longer have the ability to use your credit card account for purchases. We can help you get back on track. Call 1-800-955-8030 (collect 1-302-594-8200) today.

The new APR and promotional rate expiration reflected on this statement is a result of a late payment on your account. For your convenience, you can always pay online by accessing our website displayed on this statement.

#### TRANSACTIONS

Trans Date	Reference Number	Merchant Name or Transaction Description	Amount Credit Debit
10/22		LATE FEE	\$39.00

#### FINANCE CHARGES

Category	aily Periodic Rate 30 days in cycle	APR	Average Daily Balance	Finance Charge Due To Periodic Rate	Transaction Fee	Accumulated Fin Charge	FINANCE CHARGES
Purchases Cash advances Convenience chec	V .08217% V .08217% k V .08217%	29.99%	\$14,000.83 \$1,125.94 \$124.53	\$345.14 \$27.76 \$3.07	\$0.00 \$0.00 \$0.00	Ψ0.00	\$345.14 \$27.76 \$3.07
Total finance charg	ges	•	æ.	•			\$375.97

#### Effective Annual Percentage Rate (APR):

29,99%

Please see Information About Your Account section for balance computation method, grace period, and other important information. The Corresponding APR is the rate of interest you pay when you carry a balance on any transaction category.

The Effective APR represents your total finance charges - including transaction fees such as cash advance and balance transfer fees - expressed as a percentage.

#### **IMPORTANT NEWS**

Did you know you can use your credit card to access cash whenever and wherever you need it? All you need is your PIN (Personal Identification Number) and an ATM Just call 1-800-297-4970 to create your PIN today.



#### Sears Card

MR TAL FLOWERS JR Account Number 01 Page 1 of 2 at 1-800-917-7700. Go to www.searscard.com Write to us at PO Box 6924 The Lakes, NV 88901-6924

Payment Due Date

11/08/06

#### **Your Account Summary**

Section of the second section of
10/11/06
\$0.00
\$325.92
\$505.10
\$4.137.37
\$0.00
\$0.00
\$35.00
\$101.18
\$4,273,55

#### Your Credit Summary

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#### Manage your account online—it's FREE

Pay your bill "track purchases," set email alerts even request a credit line increase—to it all online at SearsCard com. It s.a. great way to stay on top of your account.



Register today at SeassCard.com it's tree, and you won Foelique how much time you can save "See for yourself at SeassCard.com."

# Activity Sale Date Post Date Description

10/10/06 ×10/10/06 💢 LATE PAYMENT FEE

35.00

YOUR ACCOUNT IS SERIOUSLY PAST DUE, AMOUNT PAST DUE IS SHOWN ABOVE. ARRANGEMENTS FOR FUTURE PAYMENTS SHOULD BE MADE IMMEDIATELY.

THE APR ON YOUR ACCOUNT HAS BEEN INCREASED FOR ONE OF THE FOLLOWING REASONS: YOU FAILED TO MAKE PAYMENT TO US ON THIS OR ANY OTHER ACCOUNT THAT YOU HAVE WITH US WHEN DUE, YOU EXCEEDED YOUR CREDIT LINE ON THIS OR ANY OTHER ACCOUNT YOU HAVE WITH US, OR YOU MADE A PAYMENT TO US ON THIS OR ANY OTHER ACCOUNT YOU HAVE WITH US THAT WAS NOT HONORED BY YOUR BANK.

1-0

REG \$1,402.52 \$0.00 \$24.49 \$0.00 \$35.00 \$	New Balance	
Type	Balance	
TRANSACTION SUMMARY  Tran Date Invoice Number.  Description.  LATE FEE  "FINANCE CHARGE SUMMARY  Plan Type Balance Subject To Pinance Charge BIG  \$1,418.95  \$0.00  \$24.49  \$0.00  \$25.00  \$35.00  \$  TRANSACTION SUMMARY  Description.  LATE FEE  "FINANCE CHARGE"   Daily Periodic Rate		Minimun Payment
TRANSACTION SUMMARY  Tran Date Invoice Number  09/30  LATE FEE  FINANCE CHARGE SUMMARY  Plan Type Plan Typ	, , , TUE.U I	\$80.0
Tran Date invoice Number.  Description.  LATE FEE FINANCE CHARGE  FINANCE CHARGE  FINANCE CHARGE  FINANCE CHARGE  Plan Type Plan Type REG \$1,418.95 0.05754 % 21.00% 30 Total Periodic FINANCE CHARGE  CARDHOLDER NEWS & INFORMATION  YOUR ACCOUNT HAS 2 PAYMENTS DUE. PLEASE MAIL THE MINIMUM PAY TODAY. PLEASE DISREGARD IF MINIMUM PAYMENT DUE HAS ALREADY BE Moving? Visit Lowesmoving.com for tools, tips and valuable offers to make your move easier.  Please Note: When contacting the Lowe's Credit Center, you must be listed as an account owner to obtain information about the account. We cannot disclose information to authorized users or third parties.  CUSTOMER SERVICE: For account information call 1-800-444-1408 NOTICE: PLEASE SEE REVERSE SIDE FOR BILLING RIGHTS AND IMPORTANT INFORMAT PAYMENT DUE BY 5 P.M. ON THE DUE DATE. We may convert your payment into an electronic debit. See  1009 0002 9MD 2 7 3 861083 D Page 1 of 2 9294 0018 NN:  Detach and mail this portion with your check to LOWE'S. Please use blue or black ink.  Payment Due Date Amount Payment Due Balance  Now Payment Due By 5 P.M. Now Payment Due Date ink.  Payment Due Date Amount Payment Due Balance  Now Payment Due Minimum Payment Due Date ink.	1,462.01	\$80.
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Plan Type   Finance Charge   Periodic Rate   Periodic Finance (CARDHOLDER NEWS & INFORMATION		\$24.4
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es, I have moved or I have changed y email address. Check the box and homit changes on the reverse side  Minimum payment due include		

TAL FLOWERS JR 3345 HABERSHAM RD

Make Payments to: LOWE'S P.O. BOX 530914 ATLANTA, GA 30353-0914

P.O. BOX 530914 ATLANTA, GA 30353-0914

**MONTGOMERY AL 36109-4317** 



Case 2:07-cv-00971-MHT Document 3-15 Filed 10/29/2007 **Access Fifty Ch** king

Page 14 of 42

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2,283

Jallallanallikudakululudadaallinddabildiladi ARTHUR T FLOWERS OR SUZANNE FLOWERS 3345 HABERSHAM ROAD MONTGOMERY AL 36109

**Access Fifty Checking** 

1/10/2006 thru 2/07/2006

Account number: Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

Account Summary

Opening balance 1/10	\$648.99
Deposits and other credits	3,433.38 +
Checks	
Automated Checks	1,773.68 -
Other withdrawals and service fees	202.00 -
Closing balance 2/07	\$526.45

## **Deposits and Other Credits**

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2/06	275.00	
Fotal	\$3,433. <u>38</u>	

## Checks

Number	Amount	Date	Number	Amount	Date	Number	Amount	<u>ite</u>
7121	24.86	1/1.1		31.90				
7130*	90.00	1/18	7138	15.00	1/27	7146	91.44 2/0	J6
7131	109.12	1/13	7139	24.86	1/31	7148*	300.00	J3
7134*	300.00		7140				35.00 2/0	<b>)</b> 3
7135	100.00	1/25	7141	25.00	2/03	Total	\$1,580.24	ang ang s
7136	194 00	1/26	7143*	137.07	1/31	a saw sees a see .	and the second s	

<sup>(</sup>checks could be listed under Automated Checks) \* Indicates a break in check number sequence









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## Other Withdrawals and Service Fees

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on the second	0.00 INQUIRY 3949 ATLANTA HIGHW	AY 7028-004985
and the formation of the company of the company of the formation of the company o	150.00 AUTOMATED DEBIT ALFA LIFE CO. ID. 1630338648 060130 PPD	ALFA LIFE
2/06	0.00 INQUIRY 3949 ATLANTA HIGHW	
ya shanisa waxaya ka waxaya ka	2.00 SERVICE FEE	Charles Bain wild a Simon Charles About although the and the control of
e de <b>2107</b> a para la companya de la companya del companya del companya de la companya del la companya de la companya del la companya de la c	50:00 AUTOMATED DEBIT 294 LMVTX CO. ID. 1521250327 060207 PPD	INVESTMENT
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## Service Fees

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	PIREFEE - TO THE PROPERTY OF T	with the second off $-$ describes of the second was to oblight $\hat{d}_{\mathbf{p}}\hat{d}_{\mathbf{p}}$ from Termination		2.00	2.00
reactive a region of minimizing particles in the properties of the activity or agreed	andres de l'approprie de l'approprie (1900). Mon le grant le l'approprie (1900) de grant de grant de grant de La grant de la grant de la grant de la grant de grant de grant de la grant de grant de grant de grant de grant	graphical service in several management than the state of	Calmato conden a restantamente Medicamente Sinci Scientici del Propuesto e	THE RESPECT OF SECURITY OF SEC	<u> </u>
THE RESIDENCE AND ADMINISTRATION OF THE PROPERTY OF THE PROPER	na dinahasi milan nasa sa mana sa mana sa mana na mana sa mana sa mana sa mana sa mana sa mana na mana na man Mana sa maninna sa mana na mana sa mana sa mana sa mana na mana sa mana sa mana sa mana sa mana na mana sa man	international contractions and an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions are also an experimental contractions are also an experimental contractions and an experimental contractions are also an experimental contractions ar	er to the first to the first to the second state of the second sta	war ga - manama ang weeng	o'n eliame kikenitas.
A	and the second of the second o	and the second s	commence of the second		77.04 24.13
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Filed 10/29/2007

Page 16 of 42

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# **Access Fifty Checking**

2/08/2006 thru 3/08/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR

Account Summary

Opening balance 2/08	\$526.45
Deposits and other credits	4,548.14 +
Checks	1,747.09 -
Automated Checks	1,838.21 -
Other withdrawals and service fees	252.00
Closing balance 3/08	\$1,237.29

## **Deposits and Other Credits**

Date	Amount Description
2/09	100.00 DEPOSIT
2/14	308.00 AUTOMATED CREDIT STATE OF ALABAMA II REFUNDS CO. ID. 9260000121 060214 PPD
2/15	893.57 AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591-060215 PPD
2/15	1,083,00 AUTOMATED CREDIT US TREASURY 303 SOC SEC GO. ID. 3031036030 060215 PPD
2/17	1,270.00 AUTOMATED CREDIT US TREASURY 220 TAX REFUND- CO. ID. 3111036170 060217 PPD
2/28	893,57 AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060228 PPD
Total	**************************************

## Checks

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Number	Amount	<u>Date</u>	Number	Amount	<u>Date</u>	<u>Number</u>	Amou <u>nt</u>	<u>Date</u>
7151	110.00	2/08	7159	- 600 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1	2/28	7166		3/06
7153*	90.00	2/14	7160	77.79	2/28	7167	137.07	3/01
~~~~~ <del>7</del> 45 <b>4</b> ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	109.25	2/14	7161	84.16	3/01	7170*	110:00	3/08
7157*	300.00	2/22	7163*	24.86	3/03	7171	310.00	3/08
7158	194.00	2/24	7165*	35.00	3/01	Total	\$1,747.09	· · · · · · · · · · · · · · · · · · ·

<sup>\*</sup> Indicates a break in check number sequence (checks could be listed under Automated Checks)



Filed 10/29/2007 Page 17 of 42

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Automated	l Checks		
Number	Amount	Date	Description
en consequence de la consequencia del la consequencia della consequenc	contraversity construit apparent of the state of the stat	2/08 ···	AUTOMATED CHECK SCHOLASTIC PAYMENT CO. ID. 1131912013 060208 ARC MISC 7150
gen en reggegen en gevennig var er en stagt en tre en stagt en se	остипивання почетня по почетня почетня почет	entre experience de la company	AUTOMATED CHECK SEARS PAYMENT CHECK PYMT CO. ID. CITI SEARS 060208 ARC MISC 7152
The state of the s			AUTOMATED CHECK WIFHM MORTGAGE CHECKPAYM CO. ID. 6708044134 060221 ARC MISC 7155
7156		2/21	AUTOMATED CHECK DISCOVER ARC PAYMENTS CO. ID. 5510020270 060221 ARC MISC 7156
стверного дво маконоворого стоя об собе со состоя на обствено об состоя об состоя об состоя об состоя об состо по пред состоя об со по состоя об	т при при ставит по при ставит по при ставит при ставит при ставит по при ставит по при ставит при ставит при с при ставит при ста	3/01	AUTOMATED CHECK SCHOLASTIC PAYMENT CO. ID. 1131912013 060301 ARC MISC 7162
in and the state of the state o		2/28	AUTOMATED CHECK LOWES/GEMB CHECKPAYMT CO. ID. 0818200406 060228 ARC MISC 7164
	475.00	3/03	AUTOMATED CHECK MBNA/IBS CHECK PYMT CO. ID. 2200000001 060303 ARC MISC 7168
7169		3/06	AUTOMATED CHECK BP PAYMENT CHECK PYMT GO-ID: CITI OILS 060306 ARC MISC 7169
Total	\$1,838,21	en skiladoler i ober kiladoler en en in	

Date Amount	Description	annia vanna Sterikolistin maanita kannaskista kasikan enavat antitoi kasikan ya vakan isa densika. Historia kikinin maskin masarat tahun selekala kirin ya masa tara ta fanot ya ta kinin masarat siya ganat masa	Kalandrik intropologist och anderstallandrik
2/15	AUTOMATED DEBIT-SMIT	H-BARNEY 170221022	22
第18月2日 - 1885年 - 1887年 - 1887年 1887年 - 1887年 - 18874年 - 1887年 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 18874 - 1887	CO. ID. 2131912900 06021	5 PPD	Political attaches MC mindicated Records Back in Religious neutral
2/23 100.00			
to an analysis of the south the south of the	3949 ATLANTA HIGH MON	managaya yang menggang salah sebanggan bi Anabarah - ana sebang sebanah sebanah sebanah sebanah sebanah sebanah	obsessing an an open party.
3/02 150.00			owners of 44 mas of our dispersion of the test of the
en massen deste visitiste von de un onderforten kommissen anderen om de visitisk in undeformendet i state freste stession de sate In state i deutsche freste in de visitisk frakting in geboorte state verkeligen en en det in de in en de stoosk	CO. ID: 1630338648-06030	Said—A dend meneral casa ser lan lan lan lan kadara saman kalandar kanasa kanasa kanasa kanasa kanasa kanasa k Tanasa A denda dendar kanasa kana	Concession of the concession o
3/08	SERVICE FEE	apour province de la company de la compa La company de la company d	amelikahlaraharan 1944 1867 - Lingerton
Total \$252.00		etagonagonagonagonagon jana persistente et en	
ratio from the second contract of the contract	the control of the progression was been greatly become provinced and the control of the control of the control of	Simple services and the services of the servic	

#### Service Fees

Description	
CHECK-ENGLOSURE FEE 1	
Total-Fee(s)	\$2.00
Average balance	\$1,973.33 \$302.48



## Case 2:07-cv-00971-MHT Document 3-15 Access Fifty Che king

Filed 10/29/2007

Page 18 of 42

18 104

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ARTHUR T FLOWERS OR SUZANNE FLOWERS 3345 HABERSHAM ROAD MONTGOMERY AL 36109

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# **Access Fifty Checking**

3/09/2006 thru 4/07/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

Account Summary

11000 and Summer ,	 
Opening balance 3/09	 \$1,237.29
Deposits and other credits	3,070.14 +
Checks	 1,647.93 -
Automated Checks	1,782.51 -
Other withdrawals and service fees	 202.00 -
Closing balance 4/07	 \$674.99

## **Deposits and Other Credits**

Date	Amount	Description
3/13	200.00	DEPOSIT ( ) DEPOSI
3/15	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060315 PPD
3/15	1,083.00	AUTOMATED CREDIT US TREASURY 303 SOC SEC CO. ID. 3031036030 060315 PPD
3/30	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060330 PPD
<del></del>	00.070.44	

#### Checks

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
7173	90.00	3/14	7183	19.68	3/29	7193*	91.44	4/04
7174	109.25	3/13	7185*	167.00	3/27	7195*	68.51	4/04
7177*	175.29	3/20	7186	14.29	3/27	7197*	110.00	4/061
7179*	161.34	3/16	7187	35.74	3/27	7198	102.91	4/07
7180	16.43	3/22	7188	23.45	3/29	Total	\$1,647.93	
7181	20.00	3/22	7189	5.53	3/30			
7182	300.00	3/24	7191*	137.07	3/30			

<sup>(</sup>checks could be listed under Automated Checks) \* Indicates a break in check number sequence

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Automated	d Checks		
Number	Amount	Date	Description
7172	100.00	3/13	AUTOMATED CHECK SEARS PAYMENT CHECK PYMT CO. ID. CITI SEARS 060313 ARC MISC 7172
7175	13.97	3/16	AUTOMATED CHECK SCHOLASTIC PAYMENT CO. ID. 1131912013 060316 ARC MISC 7175
7176	782.96	3/17	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYMT CO. ID. 6708044134 060317 ARC MISC 7176
7178	200.00	3/20	AUTOMATED CHECK DISCOVER ARC PAYMENTS CO. ID. 5510020270 060320 ARC MISC 7178
7184	13.97	3/28	AUTOMATED CHECK SCHOLASTIC PAYMENT CO. ID. 1131912013 060328 ARC MISC 7184
7190	100.00	4/03	AUTOMATED CHECK LOWES/GEMB CHECKPAYMT CO. ID. 0818200406 060403 ARC MISC 7190
7192	121.61	4/03	AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITI OILS 060403 ARC MISC 7192
7194	450.00	4/04	AUTOMATED CHECK MBNA/IBS CHECK PYMT CO. ID. 2200000001 060404 ARC MISC 7194

## Other Withdrawals and Service Fees

4/07	2.00	SERVICE FEE
3/30		AUTOMATED DEBIT ALFA LIFE ALFA LIFE CO. ID. 1630338648 060330 PPD
3/13	0.00	INQUIRY 3949 ATLANTA HIGHWAY 7028-000744
3/09	50.00	AUTOMATED DEBIT SMITH BARNEY AFT CO. ID. 1131912900 060309 PPD
Date	Amount	Description

## **Service Fees**

Description	Quantity	Amount	Total
CHECK ENCLOSURE FEE	1	2.00	2.00

Total Fee(s)		\$2.00

\$1,513.58 \$676.99 Average balance Minimum balance



Access Fifty Charles Document 3-15

Filed 10/29/2007

Page 20 of 42

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# **Access Fifty Checking**

4/08/2006 thru 5/08/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

Account Summary

 Opening balance 4/08
 \$674.99

 Deposits and other credits
 3,070.14 +

 Checks
 1,990.94 

 Automated Checks
 955.64 

 Other withdrawals and service fees
 207.00 

 Closing balance 5/08
 \$591.55

# **Deposits and Other Credits**

metros se mana en recesar en consumera de la com-	Similar School and School of the Street Stre	THE PROPERTY OF THE PROPERTY O
Date	Amount	Description
go est, lator seppendient persone en propriet persone verbes en verbes (1) en en 1800 ann <b>4.153. 4.</b> 000 en	893,57	AUTOMATED GREDIT FAMILY GUIDANCE PAYROLL DI- CO. ID. 630400591 060414 PPD
	1,083.00	AUTOMATED CREDIT US TREASURY 303 SOC SEC CO. ID. 3031036030 060419 PPD
A CONTROL OF THE STATE OF THE S	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060428 PPD
	200.00	DEPOSIT
Total colleges of the colleges	\$3,070.14	െ നാന്ന് നാന്നായ വാധ പ്രത്യായ അവര് കാര്യായ വായുടെ വായുടെ വായുന്നത്. പ്രത്യായ പ്രത്യായ പ്രത്യായ പ്രത്യായ പര്യായ പര്യായ പര്യായ വര്യായ പര്യായ പര്യായ പര്യായ പര്യായ പര്യായ പര്യായ പര്യാ പര്യായ പര്യായ പര്യാ

## Checks

Number	Amount	Date	Number	Amount	Date	<u>Number</u>	Amount	Date
~~~~ <del>7.1.96</del> - :	300.00	4/10	7207	300.00	4/18	7214	91.44	5/03
7200*	24.86	4/17	7208	**************************************	4/18	7215	78.52	5/03
7201	90.00	4/19	7209	130.90 .	4/25	7218*	110.00	5/02
7202	109.25	4/11	7210	45.00	5/01	7220*	34.97	5/03
7203	86.25	4/14	7211	167.00	4/27	Total	\$1,990.94	was any partners or protection
7206*	200.00	4/18	7213*	137.13	5/02	And the second second second	Service of the Control of the Contro	e apapanan larawa

<sup>\*</sup> Indicates a break in check number sequence (checks could be listed under Automated Checks)



Automated	d Checks	and a second to the second	ال الما الما الموادية المراكب الموريات المواديات المراكب الما الموادية المراكب المهادة الما المعادل المراكب ال الما حال المعلم المراكب المراكبة المنظومة المراكبة والمعادلة المراكبة المراكبة المراكبة المراكبة المراكبة الم	g mengangan pembangan sebagian kelalah salah salah Salah salah salah salah salah sebagian kepada salah
Vumber	Amount	. Date	en de la proposition de la proposition La proposition de la	engen membelan i digi ganggara digit i pri i saper i ki ara i pri transari inga i daraba membeban menggara j Membelaggigan i panggalaggi gani sigir i i gani bari terbih anggalaga i pri malaba saper bara saper bara sa
14.1.199		antino s <del>al e</del> deletivo de elemento de ele	AUTOMATED CHECK SEARS PAYME CO. ID. CITI SEARS 060411 ARC MISC 7199	ENT CHECK PYMT
Sec. 7204 secretario secondo de como con como como como como como como	en principal de la composition del la composition de la composition del la composition de la composition del la composition de la composition del la composition del la composition del la compo	1990	AUTOMATED CHECK SCHOLASTIC CO. ID. 1131912013 060420 ARC MISC 7204	PAYMENT
ett tillen 7205 och state stor en som til et state stor ett som till ett stor ett som till ett stor ett som ti spåret till ett stor ett stor ett som til ett stor ett som tillen ett stor ett stor ett som tillen ett stor e store ett stor ett stor ett store ett stor ett som till ett stor ett store ett store ett store ett store ett	rate time between begin tales also have been the properties of the contraction of the con	4121 	AUTOMATED CHECK SCHOLASTIC 60. ID: 1181912013 060421 ARC MISC 7205	PAYMENT
territoria de la composición del composición de la composición del composición de la composición de la composición de la composición del composición de la composición de la composición del composici	tion of the control o		AUTOMATED CHECK LOWES/GEMB CO. 1D: 0818200406 060501 ARC MISC 7212	CHECKPAYMT
14. 14. 14. 14. 14. 14. 14. 14. 14. 14.	и до запачения се чето и до не пред съдовате до се до се по менеронита и поте не пред се тото и 1996 година до се до се пото обегото и се до се до до се се се до се додо се постор не негое постоина и под се до	5/02	AUTOMATED CHECK BP PAYMENT CO. ID. CITI OILS 060502 ARC MISC 7216	CHECK PYMT
			AUTOMATED CHECK DILLARD'S GO. ID. 0818200413.060502 ARC MISC 7217	
en de la companya de La companya de la companya del la companya de la companya del la companya de la companya del la companya de la companya de la companya de la companya de la companya		5/02	AUTOMATED CHECK MBNA/IBS GO. ID: 2200000001 060502 ARC MISC 7219	СНЕСКРУМТ
otal	\$955.64	ktorkmiski, ombostor i stori usvetomo uzanici sim e nemzani artista, autisti.	്ന് നോട്ടെയ്ക്ക് നിയുക്കുന്നുള്ള പ്രത്യാര്യക്കുന്നു. ഇത് പ്രത്യാര്യക്ക് പ്രത്യാര്യക്ക് പ്രത്യാര്യക്കായ പ്രത്യാര്യക്കായ പ്രത്യാര്യക്കായ പ്രത്യാര്യക്ക് പ്രത്യാര്യക്ക	EL BANGE BERKARAN BANGE TAN BANGAN PENGAN PENGAN BANGAN BANGAN BANGAN BANGAN BANGAN BANGAN BANGAN BANGAN BANGA BANGAN BANGAN BANGA

## Other Withdrawals and Service Fees

Total	\$207.00			S	
5/08	2.00	SERVICE	EE	e general se la sessa de la constitución de la cons	d-tence Amerikansk factor forske sensen en en en en en en eksekter blit destrensk om en
5/08	C 4.36. 4.17		And a second sec	the same of the second section of the second second	Y 7028-008054
egi <b>4</b> 128 menun mengemasika. Simengan pengengan pemerum, mengengan sebagai sebagai mengengan pengengan pengengan pengengan pengengan pengen	1.50.00			LFA LIFE 0428 PPD	
4/28					Y 7028-006708
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4/10	and the state of t	Record to the second second section of	califor a produce in temporal and control	i ya nasan kamin kananing ing pangangan bang	Y 7028-004479
Date	Amount	Description	en er generale en state de state de ser de la company de ser de ser Les commissions de ser de Les commissions de ser de		er der eine verlichte der eine verlichte verlichte der eine der eine der eine der eine der eine der eine der e Er der eine Verlichte der der der eine der eine Politikans der eine der eine der der eine der e
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Filed 10/29/2007

Page 22 of 42

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Inflational Manistrata Inflational Inflational ARTHUR T FLOWERS OR 3345 HABERSHAM ROAD MONTGOMERY AL 36109

# **Access Fifty Checking**

5/09/2006 thru 6/07/2006

Account number: Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

Account Summary

Opening balance 5/09	\$591,55
Deposits and other credits	4,670,14+
Checks of the company	
Automated Checks	1,977,41
Other withdrawals and service fees	332.00
Closing balance 6/07	\$951.08

## **Deposits and Other Credits**

Date	Amount	Description	a mar in skilletakan yang mara marang kanana yang marang kanana kanana kanana kanana kanana kanana kanana kana Marana marang kanana marang kanana marang kanana kanana kanana kanana kanana kanana kanana kanana kanana kanan	a agus, e e e e e e e e e e e e e e e e e e e	prittinista jagajaset signer etteksistellija jako opposit jagastellija saat. 
5/45 mm	893.57	AUTOMATED CO. ID. 63040	CREDIT FAM 0591 060515	LY GUIDANCE PPD	E PAYROLL DI
5/17 mag 2 mag 2 mag 2 mag 2 2 mag 2	1;083:00	AUTOMATED CO. ID. 30310	GREDIT US T 36030 060517	REASURY 303 PPD	BSOOSEC
5/30	893,57 m	AUTOMATED CO. ID. 63040	CREDIT F <b>AM</b> I 0591 060530	LY GUIDANCE PPD	PAYROLL DI
6/01	800.00	DEPOSIT	in an an amagen som the facts and are a seed to the finishest to the seed of t	er den Production automobility (n. 1972) and specific for a 1988. Desir described in the contract of the contr	
6/01	1,000.00	DEPOSIT	on a magnitus hagi dalamanda on on one and a hamati dalama on one angles and single single on one of the control and one of the single and of the control and one of the control and on	est Peru Labrania et la completa de la completa de La completa de la co	ka aktudaktustu kost dastessa samatu vaikastistäjällittä kuis t Viiritaistista, tamatunustukilist transimmäälästinim. Viirit
Total	\$4,670.14	reschilita in hade adam incralibrade environment om verskrine av som Grafiete verskriner det av sommer gegengere og og com om verskrine en side	and the second s	in angeresalakan relikta ben unturur ulasan ibi 1981 seliki d secarandah di mandira bentaran menuntuk Ilan albah ben	ikke sement ". Ett i selveriskeline som beske proper ett som en skillende fillste sombiskelinde skille. Som en sement i state singer og by sporter en semen en semen som som som skille skillende skillende skillende

#### Checks

<u>Number</u>	Amount	<u>Date</u>	<u>Number</u>	Amount	<u>Date</u>	<u>Number</u>	Amount	Date
<b>7221</b>	360.00	5/09	7230	30.00	5/22	7236	**************************************	6/02
7224*	40.92	5/12	7231	120.00	5/25	7238*	91.44	6/07
7225	90.00	5/12	7232	24.86	6/07	7240*	97.00	6/01
7226	109.33	5/12	7233	167.00	5/30	7242*	360.00	6/05
7229*	300.00	5/19	7235*	73.52	6/02	Total	\$2,001.20	

<sup>\*</sup> Indicates a break in check number sequence

(checks could be listed under Automated Checks)

1,699

# **Automated Checks**

Number	Amount	Date	Description
7.222	Consideration of the constant	5/12	AUTOMATED CHECK SCHOLASTIC PAYMENT CO. ID. 1131912013 060512 ARC MISC 7222
7223	130,000 mm	5/15	AUTOMATED CHECK SEARS PAYMENT CHECK PYMT CO. ID. CITI SEARS 060515 ARC MISC 7223
7227	773.28	100 - 5 / 4 7 com	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYMT CO. ID. 6708044134 060517 ARC MISC-7227
7228	200.00 (1999)	5/22	AUTOMATED CHECK DISCOVER ARC PAYMENTS CO. ID. 5510020270 060522 ARC MISC 7228
on op een meerste van 'n een op prode in eer en stad van de versche van de versch	50,00	5/31	AUTOMATED CHECK LOWES/GEMB CHECKPAYMT CO. ID: 0818200406 060531 ARC MISC 7234
<ul> <li>At 1 obsessing a maker observed by the host of the interesting on a maker observed by the host of the interesting of the maker of the host of the interesting of the intere</li></ul>	до постоя образования в дента в достоя образования в дента в д - постоя в дента в де	6/05	AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITI OILS 060605 ARC MISC 7237
1900 5798 200 200 200 200 200 200 200 200 200 20	### 1	6/02	AUTOMATED CHECK DILLARD'S PYMT CO. ID. 0818200413 060602 ARC MISC 7239
**************************************		6/05	AUTOMATED CHECK MBNA/IBS CHECK PYMT CO. ID. 2200000001 060605 ARC MISC 7241
7.243	130.00 co	6/07	AUTOMATED CHECK SEARS PAYMENT. CHECK PYMT CO. ID. CITI SEARS 060607-ARC

## Other Withdrawals and Service Fees

ALL SESSIONED DESCRIPTION OF	The state of the s	THE TOTAL CONTROL OF THE PROPERTY OF THE PROPE
Date	Amount	green compared approximation and approximation a
reproduction programmes and con-	to the position of the contract of the contrac	AUTOMATED DEBIT SMITH BARNEY AFT CO. ID. 1131912900 060511 PPD
5/12	se de la companya de	OVERDRAFT/UNAVAILABLE FUNDS FEE 3 TRANSACTION(S) AT \$30.00
5/17	40.00	WITHDRAWAL DALRAIDA 05/17 3949 ATLANTA HIGH MONTGOMERY AL 7028W009099
5/30	0.00	INQUIRY 3949 ATLANTA HIGHWAY 7028-000694
5/31	150.00	AUTOMATED DEBIT ALFA LIFE ALFA LIFE CO. ID. 1630338648 060531 PPD
6/01	0.00	INQUIRY 3949 ATLANTA HIGHWAY 7028-001105
6/07	2.00	SERVICE FEE
Total	\$332.00	



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**Access Fifty Checking** 

6/08/2006 thru 7/10/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

**Account Summary** 

11ccount Summer	
Opening balance 6/08	\$951.08
Deposits and other credits	2,870.14 +
Checks	2,234.75 -
Automated Checks	1,659.26 -
Other withdrawals and service fees	327.00 -
Closing balance 7/10	\$399.79 -

# **Deposits and Other Credits**

Date	Amount	Description
6/15	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060615 PPD
6/21	1,083.00	AUTOMATED CREDIT US TREASURY 303 SOC SEC CO. ID. 3031036030 060621 PPD
6/30	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI CO. ID. 630400591 060630 PPD
Total	\$2,870.14	<ul> <li>Company of the company of the company</li></ul>

#### Checks

Number	Amount	Date	Number	 Amount	<u>Date</u>	Number	Am	ount	<u>Date</u>
	54.00	Ć/OO	7251	 350.00	6/26	7260*	9	1.44	7/05
7244	54.29	6/20		The Same Same	Approximately and the first	7263*	7	0.53	7/03
7245	109.60	6/23	7252	161.34	6/22				7/06
7246	140.90	6/22	7253	38.72	6/21	7264		3.53	and the second of
	90.00	7/03	7254	68.27	6/27	7266*	32	5.00	7/05
7247			. —	167.00	6/29	7267	9	7.00	7/05
7248	40.00	6/26	7255	7.7.7			\$2,23	<del>4 75</del>	
7250*	200.00	6/26	7258*	137.13	6/30	Total	\$2,23	4.73	

<sup>\*</sup> Indicates a break in check number sequence (checks could be listed under Automated Checks)



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Automated Ch	ecks		
Number	Amount	Date	Description
7249	773.28	6/23	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYMT CO. ID. 6708044134 060623 ARC MISC 7249
7256	100.00	7/03	AUTOMATED CHECK LOWES/GEMB CHECKPAYMT CO. ID. 0818200406 060703 ARC MISC 7256
7259	39.44	7/07	AUTOMATED CHECK LIBERTY NATIONAL INS PYMT CO. ID. 1630124600 060707 ARC MISC 7259
7261	199.53	7/03	AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITI OILS 060703 ARC MISC 7261
7262	37.01	7/03	AUTOMATED CHECK DILLARD'S PYMT CO. ID. 0818200413 060703 ARC MISC 7262
7265	510.00	7/05	AUTOMATED CHECK MBNA/IBS CHECK PYMT CO. ID. 2200000001 060705 ARC MISC 7265
Total \$	1,659.26		AND THE PROPERTY OF THE PROPER

## Other Withdrawals and Service Fees

Date		Amount	Description
6/09		50.00	AUTOMATED DEBIT SMITH BARNEY AFT CO. ID. 1131912900 060609 PPD
6/19		0.00	INQUIRY 3949 ATLANTA HIGHWAY 7028-003382
6/29		150.00	AUTOMATED DEBIT ALFA LIFE ALFA LIFE CO. ID. 1630338648 060629 PPD
7/05		60.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 2 TRANSACTION(S) AT \$30.00
7/06	 	30.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$30.00
7/07	(======	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$35.00
7/10		2.00	SERVICE FEE
Total		\$327.00	

## **Service Fees**

Description		Quantity	Amount	Total
CHECK ENCLOSURE FEE	•	1	2.00	2.00
Total Fee(s)			· · · · · · · · · · · · · · · · · · ·	\$2.00
Average balance Minimum balance				\$1,043.87 \$397.79

Access Fifty Checking

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**Access Fifty Checking** 

7/11/2006 thru 8/08/2006

Account number:
Account owner(s):

ARTHUR T FLOWERS OF SUZANNE FLOWERS

Account Summary

Opening balance 7/11	\$399.79 -
Donocite and other credits	3,154.13 +
Chackers and the control of the cont	
Automated Checks	
Other withdrawals and service fees	832.00 -
Closing balance 8/08	\$1,189.72 -

## **Deposits and Other Credits**

	Amount	Description	The second secon	The second secon	hospitansk fallen i de valle ante italiansk e med merithelskelska mentepro Territoriet i de servicion malejelanje i monareje e men i se
and a supplemental series and a superior of the series of	ാറുവ വവ	DEPOSIT	. Nan come conference and account of a confidence of the conference of the conferenc	entitled in all to the control of th	Secretal discussion in contract interest and an extension of the second section of the second
	893.57	AUTOMATED CO. ID. 63040	CREDIT F <b>AM</b> II 0591 060714 F	Y GUIDANCE PPD	PAYROLL DI
	,083.00	CO ID 30310	) CREDIT US TF 036030 060719	REASURY 303 PPD	
region of the second of the se	893.57	AUTOMATED CO. ID. 63040	CREDIT FAMII 00591 060728 F	LY GUIDANCE PD	PAYROLL DI

#### Checks

Number	Amount	Date Num	iber	Amount Date	Number	Amount	Date
Number	And and the second section	7/10 7/	070*	11919 7/18	7280	98.53	8/02
7257	24.86	7/12 7/	2/3"	200.00	728	91.44	8/02
7268*	25.00	7/13 72	2/5	380.00 7/21	grammatikan pergemberah permusia dalam samusi da dalam samusi da	97.00	8/01
7270*	60.00	7/11 7	276	194:00 sadar sana 4/52	and statement or time and one of the section of the	1 200 64	- 554-55 dige
7271	90.00	7/18 7	279*	152.69 7/31	Total 3	1,290.04	

<sup>\*</sup> Indicates a break in check number sequence (che

(checks could be listed under Automated Checks)

Total

40

1,619

Automated	Automated Checks						
Number	Amount	Date	Description				
7269	100.00	7/11	AUTOMATED CHECK SEARS PAYMENT CHECK PYMT CO. ID. CITI SEARS 060711 ARC MISC 7269				
**************************************	740.16	7/18	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYMT CO. ID. 6708044134 060718 ARC MISC 7272				
27. 19. 19. 19. 19. 19. 19. 19. 19. 19. 19	250.00	7/21	AUTOMATED CHECK DISCOVER ARC PAYMENTS CO. ID: 5510020270 060721 ARC MISC 7274				
7277	100.00	8/01	AUTOMATED CHECK_LOWES/GEMB CHECKPAYMT CO. ID: 0818200406 060801 ARC MISC 7277				
7278	93.26	7/31	AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITI OILS 060731 ARC MISC 7278				
77283 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	530.00	8/02	AUTOMATED CHECK MBNA/IBS CHECK PYMT CO. ID. 2200000002 060802 ARC MISC 7283				

# Other Withdrawals and Service Fees

Date	Amount	Description
	50.00	AUTOMATED DEBIT SMITH BARNEY AFT CO. ID. 1131912900 060711 PPD
-7711	105.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 3 TRANSACTION(S) AT \$35:00
113 7/12	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S)-AT \$35.00
7/13	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$35.00
- 1	105.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 3 TRANSACTION(S) AT \$35.00
TIZIONE CONTRACTO NO CONTRACTOR NO CONTRACTO	70.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 2 TRANSACTION(S) AT \$35.00
7/25	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$35.00
7/28	150.00	AUTOMATED DEBIT ALFA LIFE CO. ID. 1630338648 060728 PPD
7/31	35.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 1 TRANSACTION(S) AT \$35.00
8/01	70.00	OVERDRAFT/UNAVAILABLE FUNDS FEE 2 TRANSACTION(S) AT \$35.00

Other Withdrawals and Service Fees continued on next page.



Case 2:07-cv-00971-MHT Document 3-15
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Filed 10/29/2007

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Page 28 of 42

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**Access Fifty Checking** 

8/09/2006 thru 9/07/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

Account Summary

Opening balance 8/09	\$1,189.72 -
Deposits and other credits	
нео решения на настоя на применения на применения применения применения применения применения применения на применения на применения применени	Process Manager Conference of the Process of the Pr
Automated Checks	1,753.74 -
Other withdrawals and service fees	507.00 -
Closing balance 9/07	

## **Deposits and Other Credits**

Date	Amount	торожного трукция именто на постоя на принцинати на принцинати на принцинати на принцинати на принцинати на по « « Description» и на постоя на принцинати на прин
8/15	22.41	or ACCOUNT TRANSFER
en 1400 anne en	ranning the first control of the site of t	TRANSFER FROM: 3000489770547
gyv. Spijagrativ operative programa i va svijake spirativ si i v	er an a saaringen timbeligen in manifesen na van en	PARTIAL COLLECTION OF OVERDRAFT AMOUNT
- School State (1994) - And Andrews (1994) - And Andrews (1994)	ppergene i ppergene et accomo en esta esta esta esta esta esta esta esta	PLEASE CALL 866-211-6980 WITH QUESTIONS
8/15	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI
en alle en de la company d En alle en la company de l	allemateriales o com la colombia de la colombia de Especialmente de la colombia de la c	CO. ID. 630400591 060815 PPD
8/16	1.083.00	AUTOMATED CREDIT US TREASURY 303 SOC SEC
	and the second s	CO. ID. 3031036030 060816 PPD
8/16	4.000.00	DEPOSIT
na na nasangagang nggandanan kananan kanan in na nasa. Na nanaggapang nggandana kananan kanan in na nasa.	, while the control to the control of the first property of the Control of the Co	
8/30	893.57	AUTOMATED CREDIT FAMILY GUIDANCE PAYROLL DI
ente in grapini de la grapio de la grapia de la compania de la compania de la compania de la compania de la co En la compania de la	estamentalen ergeneserretti oligarin metamini yritti oligarin et elektristi. Ta	CO. ID. 630400591 060830 PPD
Total	\$6,892.55	- The first property of the first property
	the state of the s	ペン・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス・ス

## Checks

Number	Amount	Date	Number	Amount	<u>Date</u>	<u>Number</u>	Amou	nt Date
7286	90.00	8/18	7293	24.86	8/28	7299	97.0	00 8/31
7287	150.00	8/22	7294	200.00	8/22	7300	######################################	4 9/06
7288	91.28	8/21	7297*	147.05	8/28	Total	\$1,019.1	<u></u>
7292*	34.00	8/22	7298	93.53	9/05	er talabangentunir sek talahan melakula kela Kalaman	the constructional and the second control of the co	manual control of the

<sup>\*</sup> Indicates a break in check number sequence (

(checks could be listed under Automated Checks)



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Substitution of the state of th	water the second of the second	A.C 19 - 19 - 19 - 19 - 19 - 19 - 19 - 1	THE STREET OF TH
Automated		ng parameter and the second and the	The control of the co
Number	Amount	Date	Description
285 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -		19. depende de la grande de la companya de la compa	AUTOMATED CHECK SEARS PAYMENT CHECK PYMT CO. ID. CITI'SEARS 060814 ARC MISG 7285
27 (28 m. 1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) — 18 (1972) —	1997 - 1997 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 1998 - 19	8/22	AUTOMATED CHECK WFHM MORTGAGE CHECKPAYMT CO. ID. 6708044134.060822 ARC MISC 7289
the control of the co		8/21:	AUTOMATED CHECK DISCOVER ARC PAYMENTS GO. ID. 5510020270 060821 ARC MISC 7290
	одом образова и посторијем виде и <mark>350.0000</mark> постори и	8/21	AUTOMATED CHECK CHASE CHECK PYMT CO. ID: 9200602070 060821 ARG MISC 7291
		8/29	AUTOMATED CHECK LOWES/GEMB CHECKPAYMT CO. ID. 0818200406 060829 ARC MISC 7295
7296	1	8/29	AUTOMATED CHECK BP PAYMENT CHECK PYMT CO. ID. CITLOILS, 060829 ARC MISC 7296
Total	<u>\$1,753.74</u>		

## Other Withdrawals and Service Fees

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WACHOVIA

Date	Amount L	Pescription
territoria de la companya de la constanta de la companya de la companya de la companya de la companya de la co Companya de la companya de la compa	35.00 C	OVERDRAFT/UNAVAILABLE FUNDS FEE TRANSACTION(S) AT \$35.00
	50.00 A	UTOMATED DEBIT SMITH BARNEY AFT O. ID. 1131912900 060810 PPD
8/14/00000000000000000000000000000000000	35:00 N	ISF FEE FOR ITEM 000000007284; \$320.00 DTOMATED CHECK CHASE RDP CHECK
til er en		VERDRAFT/UNAVAILABLE FUNDS FEE TRANSACTION(S) AT \$35.00
**************************************		NQUIRY 3949 ATLANTA HIGHWAY 7028-000798
	100.00 W	/ITHDRAWAL DALRAIDA 08/18 949 ATLANTA HIGH MONTGOMERY AL 7028W000799
8/28	0.00	QUIRY 3949 ATLANTA HIGHWAY 7028-001754
ant in the second of the second s The second	100.00 W	//THDRAWAL DALRAIDA 08/25 949 ATLANTA HIGH MONTGOMERY AL 7028W001755
8/30	150.00 Al	UTOMATED DEBIT ALFA LIFE ALFA LIFE 0. ID: 1630338648 060830 PPD
9/07	0.00 IN	IQUIRY 3949 ATLANTA HIGHWAY 7028-003344
9/07	The state of the s	ERVICE FEE
Total	\$507.00	minimum managagamana sa sarti in siamana kandinasi into loka aki si samana andi ka di ka disini into mana ka a Tanan minimum na kandinasi malama na mana mana na sarti na kandinasi na mana kandi ka di ka di mana na mana na
		The second section of the sect



Access Fifty Checking

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**Access Fifty Checking** 

9/08/2006 thru 10/10/2006

Account number:

Account owner(s):

ARTHUR T FLOWERS OR SUZANNE FLOWERS

Account Summary

Opening balance 9/08	\$2,422.93
Deposits and other credits	2,870.14+
-жандыны қолышының жандының көлерінде қазақының қазақының қазақының қазақының қазақының қазақының қазақының қ Ghecks мененде көлерінде жандық қазақының жандық қазақының қазақының қазақының қазақының қазақының қазақының қ	2,244.07 -
Automated Checks	135.11 -
Other withdrawals and service fees	
Closing-balance 10/10	\$2,714.45

## **Deposits and Other Credits**

- Date	Amount Description	Balanian minimizari kitati ku kaheka 18. minimizari ana mana mana mana mana mana mana mana	a tilan sitt mit is dilimidest 14 m. n. savattatatus mit sjället, ny patriot f <sub>elle</sub> gamenasses. A tilan talainen eti tilande eti eta sienemante ete mena namittatatatat 17 menem siittet.	alia, Militaria - a distributur (libribatur antum antum a a Cinterior antum antum angus antum an
rins y my symmetry gydd y daglynaith ei ar drif ar thyddydd ar arfelliaith ag yr a chwr a chwr a chwr a cyf y Caedd y gydd y gydd y gydd y gydd y gydd y cyf y c Caedd y cyf y cyf y cyf y cyf y cyf y gydd y cyf y Caedd y cyf y cy	893.57 AUTOMA CO. ID. 6	TED GREDIT FAMII 30400591 060915 F		YROLL DI
er og	1,083.00 AUTOMA CO. ID. 30	TED CREDIT US TE 031036030 060920	REASURY 303 SO PPD	CoSEC was proported to the cost
elektris 9129 eta kontrolo eta	893.57 AUTOMA GO. ID. 63	TED CREDIT FAMII 30400591 060929 F		
Total	\$2 870 1 <i>1</i>	editoride Lens Antice Chicasonis Letter Frais Medical Frances on Park Steam and conserved	er en verste uur en en de le Arrive personale and lând de sensible a	reviews on conference and recommendation

#### Checks

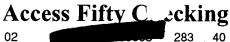
Number	Amount	<u>Date</u>	Number	Amount	Date	Number	Amount	<u>Date</u>
and the section of th	500.45	9/12	7310	20.09	9/19	7321*	147.05	9/28
	135.52	9/15	7311	161.34	9/20	7322	50.05	10/03
7301*	90.00	9/15	7312	13.18	9/25	7323	92.06	10/05
7302	18.69	9/19	7313	222.00	9/26	7324	83.52	10/04
7303	35.00	9/11	7314	41.76	9/26	7325	97.00	10/04
7304	69.00	9/11	7315	27.57	9/26	7326	26.44	10/03
7306*	36.56	9/12	7316	42.35	9/28	7327	22.54	10/04
7307	138.00	9/14	7317	41.23	9/27	7328	62.57	10/04
7309*	45.10	9/19	7319*	25.00	9/27	Total	\$2,244.07	

<sup>\*</sup> Indicates a break in check number sequence

(checks could be listed under Automated Checks)







1,719

Aut	om	ated	l Ch	ecks

,					Committee and the second of the committee of the committe		Section 1 to Section 2012 and	W. C.	The second second	
<b>!</b>	Vumber	n mina man annas "Casha si is	Amount	Date	Description	er or in an arrenda med fishesifa milatar likulah berah fishesifa	many or some or a comme	en en skelet i de en	, normanisti , , , , , , , , , , , , , , , , , , ,	one skir s
90 AB <b>R</b>	7320	And the property of the second	135.11	10/02						
- AMERICAN	parter perteading them	a representation and a second	on the second of	The section of the second	CO. ID. CI	TI OILS 061	002 ARC	trantes o artificia de la salario de proposario messión de carrier descripi	see and a contraction of the con	manika sa ing tao dia dia sa manika sa sa ing tao dia dia sa
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~ 7	otal		\$135.11		were the town on the marks a supply of	ende of estimated and place over the estimated	AND PROBLEM TO SECURITY SECURI	er siger generalisers of suppression of suppres		e ann eachann s

## Other Withdrawals and Service Fees

Date	Amount	Description	animata akidak tatin-erbadika dikembentura	ANNELS OF THE BEST STORY OF THE STORY OF THE STORY	- george considerate partiago proprio experiente regarga
9/25	47.44	PURCHASE	WAL-MART	<b>#</b> 5348 0	9/23
· makendelikkja kanstruera make" era sellina ends. Klym 1871 avtas (1870) . 1. spikklaging ( <u>1. de. 2. ma</u> nua, 1971) sta pro-servenera selven s			RY AL 7028I		akamanantik bankitat satu Sahin canasa nengenca Anggi <u>tan as</u> te mitanamiak berpatah satu dalam sa 14 satu
9/28	150:00	AUTOMATEI	DEBIT ALEA	HIFF ALF	AHFF
<mark>iskolokkaikeik siinteenik</mark> akustuskun vuotet suureet et ele <mark>ikkinteene</mark> k <u>insall</u> issa (h. 1820) – saa 🕶 vuote kinnelis			338648 06092		
10/10	2.00	SERVIČE FE		Ludhunder Menensum sentrat i destidik inn musik estina. 🔿 de sie Spillegener zijk is, die senta 1888e sentra kindendere in mende me	
estable exercises exercises exercises ( )	ere materialism rede etimene a med Branch de accura	ational Editoria, shapping also also also also		en en saskanijanina kontra en sasta man	
lotal	\$199.44	v - Daniel de Bartin (Disable en vier Mille (1914) en fant e	Constitution of the contract o	main perthidistration dell'Elevis Albert consistrations de	aline and many confirm where the confirmation were

## Service Fees

One Description of the contract of the contrac	Quantity Amount of the second	inabajan Tanàna
CHECK ENCLOSURE FEE	### The same and t	annek anerek
TO CONTENT OF THE MEDITION OF THE PROPERTY OF	TO DESCRIPTION OF THE PROPERTY	inameni sakarin
Total Fee(s)	was reconstructed and the second contract the contract of the	esenia Mene
Average balance  Minimum balance		er om

#### Wachovia Online Statements Now Available.

Sign up for free Online Statements today to view, print and save up to 16 months of your bank statements. To sign up for Online Statements, simply log in to Online Banking at wachovia.com and select *View Paper Statements*. Not an Online Banking Customer? Enroll in Online Banking today at wachovia.com/enroll or by calling 800-950-2296.

Label		U.S. Individual r first name and initial	-	Last n	<del></del>		-	T	ite or staple in this sp OMB No. 1545-00	
(See instructions.)	j		:					You	social security num	ber
	AR	THUR	Т	FLC	WERS					
Use the	lf a j	joint return, spouse's first name	and initial	Last n				Spot	ise's social security	number
IRS label. Otherwise,	KA	THRYN	S	FLC	WERS					
please print or type.	Hom	ne address (number and street).	If you have a P.O. i			Apartm	ent no.	$T_{A}$	You <b>must</b> ent	
	334	45 HABERSHAM RE	)						your SSN(s) ab	
	City,	town or post office. If you have	a foreign address,	see instru	ictions.	State ZIP code	***************************************	Ch	ecking a box be	
	MON	NTGOMERY				AL 36109			not change yo	our
Presidential Election								_	tax or refund	· t
Campaign	► (	Check here if you, or yo	ur spouse if fili	ng join	tly, want \$3 to go	to this fund (see in:	struction	ıs) 🏲	You S	pouse
Filing	1	Single	··- ·· ·· - · · ·	_	4	Head of household (	with quali	fying per	son). (See instruction	ons.)
status	2	X Married filing jointly (e	ven if only one had	income)		If the qualifying pers	son is a cl	nild but r	not your dependent,	
	3	Married filing separatel	y. Enter spouse's S	SN abov	e and	enter this child's na	ne here 1	-		
Check only	•	full name here			5	Qualifying widow	v(er) wi	th depe	endent child	
one box.						(see instructions	s)			
Exemptions	6 a	X Yourself. If some	eone can claim	you as	a dependent, <b>do</b>	not check box 6a			Boxes	-
•								Ī	- checked on 6a and 6b	,
	b	X Spouse		<u>.</u>	· · · · · · · · · · · · · · · · · · ·	<u></u>	<u>~</u>			
	, с	: Dependents:			(2) Dependent's	(3) Dependent		)	No. of children on 6c who:	
					social security		l c	alifying nild for	lived	
If more than six		(1) First name La	ast name	*	number	to you		nild tax credit	with you	
dependents, see instructions.									<ul><li>did not live with</li></ul>	
see instructions.									you due to divorce or	
									separation	
									Dependents on 6c not	
		**							entered above	
					,				A dd	
	d	Total number of exemp	tions claimed						Add numbers on lines above	2
ncome							-			
	7	Wages, salaries, tips, e	etc. Attach Form	1(s) W-	2			7	26,	585.
Attach Form(s) V-2 here. Also		Taxable interest. Attach						8a		1.
ttach Form(s)		Tax-exempt interest. Do not			_					
099-R if tax ( vas withheld.		Ordinary dividends. Atta						9a		
vas wiuniciu.		Qualified dividends (see								
		Capital gain distribution		ons)				10	······································	
		IRA distributions				11 b Taxable amoun				
	12 a	Pensions and annuities	<u>12a</u>		· · · · · · · · · · · · · · · · · · ·	12b Taxable amoun	t	12b		
		Unemployment compen								
you did not et a W-2,	ŀ	Permanent Fund divider	nds			• • • • • • • • • • • • • • • • • • • •		13		
ee instructions.		Social security			-0 -00					
nclose, but o not attach,			<u>14a</u>			14b Taxable amoun				668.
ny payment.		Add lines 7 through 14b				·	<u></u> ►	15	27,	254.
Adjusted		Educator expenses (see	•			<del></del>				
	17	IRA deduction (see instr	ructions)		_					
•		State of the state								
ross ncome		Student loan interest de								
	19 7	Student loan interest de Tuition and fees deducti Add lines 16 through 19	ion (see instruc	tions).		19		20		



Form 1040A (2005)

BAA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see instructions.

## Case 2:07-cv-00971-MHT Document 3-15 Filed 10/29/2007 Page 33 of 42

Form <b>1040A</b> (20	05) ARTHUR T & KATHKYN S FLOWERS			Page
Tax,	22 Enter the amount from line 21 (adjusted gross	s income)	22	27,254
credits, and	23 a Check You were born before January 2, 1941,	Blind Total haves	$\neg$	
payments	if: Spouse was born before January 2, 194	— □ 10fg1 noxe2		
	<b>b</b> If you are married filing separately and your sp	pouse itemizes deductions,	'	
Standard Deduction	see instructions and check here	<u> </u>	•	
for —	24 Enter your standard deduction (see left margin			10,000
<ul> <li>People who checked any</li> </ul>	25 Subtract line 24 from line 22. If line 24 is more	·	25	17,254.
box on line 23a or 23b <b>or</b>	26 If line 22 is over \$109,475, or you provided housing to a per instructions. Otherwise, multiply \$3,200 by the total number	rson displaced by Hurricane Katrina, see	26	6,400.
who can be	27 Subtract line 26 from line 25. If line 26 is more		20	0,400.
claimed as a dependent,	taxable income		▶ 27	10,854.
see instructions.	28 Tax, including any alternative minimum tax (see instructions)		28	1,088.
• All others:	(See Instructions)		28	1,000.
Single or	29 Credit for child and dependent care expenses.			
Married filing separately,	Attach Schedule 2		<del></del> .	
\$5,000	<ul><li>30 Credit for the elderly or the disabled. Attach Sc</li><li>31 Education credits. Attach Form 8863</li></ul>		_	
Married filing	31 Education credits. Attach Form 8863		<del>-</del>	
jointly or Qualifying	33 Child tax credit (see instructions).		<u>' •</u>	
widow(er), \$10,000	Attach Form 8901 if required			
	<ul><li>34 Adoption credit. Attach Form 8839</li></ul>			300.
Head of Household,	36 Subtract line 35 from line 28. If line 35 is more			788.
\$7,300	37 Advance earned income credit payments from F	Form(s) W-2		
	38 Add lines 36 and 37. This is yourtotal tax		▶ 38	788.
	<ul><li>39 Federal income tax withheld from Forms W-2 ar</li><li>40 2005 estimated tax payments and amount applications.</li></ul>		<u></u>	
If you have	2004 return			
a qualifying blockild, attach	41 a Earned income credit (EIC)		<del>-</del> .	
Schedule EIC.	bNontaxable combat pay election. 41b		-	
	42 Additional child tax credit. Attach Form 8812			
	43 Add lines 39, 40, 41a, and 42. These are your total payments		► 43	2,058.
Refund	44 If line 43 is more than line 38, subtract line 38 fr This is the amount you overpaid	rom line 43.	. 44	1,270.
	45 a Amount of line 44 you wantrefunded to you			1,270.
Direct deposit? See instructions	▶ bRouting number	Time: W Charling D Carrier		
and fill in 45b, 45c, and 45d.	d Account	► c Type: X Checking Savings		
45C, and 45C.	number			
	46 Amount of line 44 you wantapplied to your 2006 estimated tax			
Amount				
ou owe	47 Amount you owe. Subtract line 43 from line 38. I see instructions	For details on now to pay,	<b>-</b> 47	
	48 Estimated tax penalty (see instructions)	48		
Third party	Do you want to allow another person to discuss this return with the IF	RS (see instructions)?	mplete the following.	No
lesignee	Designee's	Phone _	Personal identification	
	name Preparer	no.	number (PIN)	
Sign nere	Under penalties of perjury, I declare that I have examined this return and are true, correct, and accurately list all amounts and sources of income I information of which the present has any knowledge.	accompanying schedules and statements, and to the baccompanying the tax year. Declaration of preparer (o	est of my knowledge and be other than the taxpayer) is b	elief, they ased on all
	information of which the preparer has any knowledge. Your signature	Date Your occupation	Daytime phone number	r
oint return? ee instructions.		DISABLED		
eep a copy	Spouse's signature. If a joint return, both must sign.	Date Spouse's occupation		
r your records.		MANAGER		
	Preparer's	Date Check if	Preparer's SSN or	PTIN
aid	signature	self- employed	d X	
reparer's se only	Firm's name (or yours if self-		62 1051155	
oc orny	employed), address, and ZIP code Montgomery		IN 63-1274135 hone (334) 396-	
		AL 36117   no	o. (コン4) ろ96-	JJJ/

Form **8880** 

## **Credit for Qualified Retirement Savings Contributions**

OMB No. 1545-0074

Department of the Treasury Internal Revenue Service ► Attach to Form 1040 or Form 1040A. ► See instructions. 2005 Attachment Sequence No. 129

(b) Your spouse

Name(s) shown on return

Your social security number

(a) You

600

14

300.

Form 8880 (2005)

#### ARTHUR T & KATHRYN S FLOWERS

CAUTION: You cannot take this credit if either of the following applies.

Traditional and Roth IRA contributions for 2005.Do not include

rollover contributions .....

BAA For Paperwork Reduction Act Notice, see instructions.

- The amount on Form 1040, line 38, or Form 1040A, line 22, is more than \$25,000 (\$37,500 if head of household; \$50,000 if married filling jointly).
- The person(s) who made the qualified contribution or elective deferra(a) was born after January 1, 1988, (b) is claimed as a dependent on someone else's 2005 tax return, or (c) was a student (see instructions).

	follover continuatio				••••			
2	2 Elective deferrals to a 401(k) or other qualified employer plan, voluntary employee contributions, and 501(c)(18)(D) plan contributions for 2005 (see instructions)							
3	Add lines 1 and 2	Add lines 1 and 2				600.		
4	Certain distributions received after 2002 and before the due date (including extensions) of your 2005 tax return (see instructions). If married filing jointly, include both spouses' amounts in both columns. See instructions for an exception							
5	Subtract line 4 from	n line 3. If zero or	less, enter -0		5	600.		
6						600.		4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.
7	Add the amounts o	n line 6. If zero, <b>st</b>	op; you cannot take	this credit				600.
8	Enter the amount f	rom Form 1040, lii	8	27,254.				
9	Enter the applicable	e decimal amount	shown below:					
	If line 8 is—		And your filing stat		tatus is-		,	
	Over-	But not over—	Married filing jointly	Head of household	Single, Ma separal Qualifying	tely, or		
	·	#1F 000	5	n line 9- .5	.5			
	 #15.000	\$15,000	.5	.5 .5	.2	[ D. 198		
	\$15,000	\$16,250	.5	.5 .5	.1		X	0.5000
	\$16,250	\$22,500	1	.2	.1	***************************************	^	0.3000
	\$22,500	\$24,375	.5 、	2	.1			
	\$24,375 \$25,000	\$25,000 \$30,000	.5	.1	۰. C.			
	\$30,000	\$30,000 \$32,500	.2	.1	.c .c			
	\$32,500	\$32,500 \$37,500	.1	.1	.0			
	\$32,500	\$50,000	.1	.0	.0	No.		
	\$50,000	<del>430,000</del>	.0	.0	.0		Š.	
	\$30,000							
		Hote. II IIIIe	9 is zero, <b>stop;</b> you •	tanot tano tino di	our.			
10	Multiply line 7 by lin	ne 9			,,	10	Table 1	300.
11	Enter the amount fr	om Form 1040, lin	e 46, or Form 1040 <i>A</i>	A, line 28	11	1,088.		
12	Enter the total of your Form 1040A, lines 2	e total of your credits from Form 1040, lines 47 through 50, or 40A, lines 29 through 31						
13	Subtract line 12 from					13		1,088.
	Credit for qualified					f f		

\*See Publication 590 for the amount to enter if you are filing Form 2555, 2555-EZ, or 4563 or you are excluding income from Puerto Rico.

# **Two-Year Comparison**

2005

Name(s) Shown on Return  ARTHUR T & KATHRYN S FLOWERS	Social Security N	Social Security Number		
Income	2004	2005	Difference	%
Wages, salaries, tips, etc	26,122.	26,585.	463.	1.7
Interest and dividend income	1.	1.	0.	0.00
State tax refund			,	
Business income (loss)				
Capital and other gains (losses)				
IRA distributions				.
Pensions and annuities				
Rents and royalties				
Partnerships, Scorps, etc				
Farm income (loss)			· · · · · · · · · · · · · · · · · · ·	
Social security benefits		668.	668.	.
Income other than the above	-22,345.		22,345.	100.00
Total Income	3,778.	27,254.	23,476.	621.39
Adjustments to Income	600.		-600.	-100.00
Adjusted Gross Income	3,178.	27,254.	24,076.	757.58
Itemized Deductions				
Medical and dental	2,409.	508.	-1,901.	-78.91
Income or sales tax	860.	1,190.	330.	38.37
Real estate taxes	294.	294.	0.	0.00
Personal property and other taxes	16.	86.	70.	437.50
Interest paid	6,458.	7,012.	554.	8.58
Gifts to charity	803.	535.	-268.	-33.37
Casualty and theft losses				
Miscellaneous	111.		-111.	-100.00
Phaseout of itemized deductions				
Total Itemized Deductions	10,951.	9,625.	-1,326.	-12.11
Standard or Itemized Deduction	10,951.	10,000.	-951.	-8.68
Exemption Amount	6,200.	6,400.	200.	3.23
Taxable Income	0.	10,854.	10,854.	
Income tax	0.	1,088.	1,088.	
Additional income taxes				
Alternative minimum tax				
Total Income Taxes	0.	1,088.	1,088.	
Nonbusiness credits		300.	300.	
Business credits				
Total Credits		300.	300.	-
Self-employment tax				
Other taxes				
Total Tax After Credits	0.	788.	788.	0.75
Withholding	2,003.	2,058.	55.	2.75
Estimated and extension payments				
Earned income credit				
Additional child tax credit				
Other payments		0.050		
Total Payments	2,003.	2,058.	55.	2.75
Form 2210 penalty				
Applied to next year's estimated tax		_		
Refund	2,003.	1,270.	-733.	-36.60
Balance Due		·		

# **Tax History Report**

2005

► Keep for your records

Name(s) Shown on Return

Social Security Number

ARTHUR T & KATHRYN S F.	LOWERS			Social Security I	vanibei
			Five Year Tax History	/ <del>:</del>	
	2001	2002	2003	2004	2005
Filing status	MFJ	MFJ	MFJ	MFJ	MFJ
Total income	107,238.	16,926.	-22,304.	3,778.	27,254.
Adjustments to income			600.	600.	
Adjusted gross income	107,238.	16,926.	-22,904.	3,178.	27,254.
Tax expense	5,108.	1,886.	1,195.	1,170.	1,570.
Interest expense	13,384.	12,299.	11,900.	6,458.	7,012.
Contributions	170.	800.	,	803.	535.
Miscellaneous deductions			180.	111.	1
Other itemized deductions		3,626.	1,957.	2,409.	508.
Total itemized/standard deduction	18,662.	18,611.	15,232.	10,951.	10,000.
Personal exemptions	5,800.	6,000.	6,100.	6,200.	6,400.
Taxable income	82 <b>,</b> 776.	0.	0.	0.	10,854.
Tax	17,113.			:	1,088.
Alternative minimum tax					
Total credits	-				300.
Other taxes	1,269.	107.			· · · · · · · · · · · · · · · · · · ·
Payments	18,531.	5,432.	2,429.	2,003.	2,058.
Form 2210 penalty		22.0			
Amount owed					
Applied to next year's estimated tax					
Refund	149.	5,325.	2,429.	2,003.	1,270.
Effective tax rate %	15.96	0.00	0.00	0.00	2.89

# **Tax Summary Report**

Name(s) Shown on Return ARTHUR T & KATHRYN S FLOWERS	Social Secu	urity Number
Filing status Married Filing Jointly Number	of exemptions	· · · · · · · · · · · · · · · · · · ·
Gross Income		
Wages and salaries		26,585
Interest and dividend income		
Business income (loss)		
Capital gains (losses)		
Pensions and annuities		
Rents, royalties, partnerships, etc		
Farm income (loss)		
Social security benefits		
Other income		
Total Gross Income	<del>-</del>	27,254
Adjustments to Income		
Adjusted Gross Income (Last year's AGI)	3,178.	27,254
Level - diCtandard Dadwations		
temized/Standard Deductions		500
Medical	_	
Taxes		
Interest		
Contributions		535
Casualty		
Miscellaneous		
Phaseout of itemized deductions		
Total Itemized Deductions		9,625
Standard deduction		
Exemption amount	<del>-</del>	
Examples another than the second seco		
axable Income	······	10,854
Regular tax		1,088
Alternative minimum tax		
Total Taxes before Credits		
Nonbusiness credits	· —	
Business credits		
Total Credits		
· · · · · · · · · · · · · · · · · · ·		
Self-employment tax		
Other taxes	· · · · · · · · · · · · · · · · · · ·	
otal Tax		788.
Withholding		2,058.
Estimated payments		
Other payments		
Total Payments		
Form 2210 penalty		
Refund applied to next year's estimated tax		
efund	•	1,270.
nount Due		0.
Effective tax rate		2.89%

9040	Department of the Tre	easury — Internal Reve			000	<b>д</b>	1			
Form 1040	U.S. Individ	<u>dual Income</u>	e Tax R	eturn	<u> 2004</u>	4	(99) IRS Us	e Only — Do	not write or staple in ti	his space.
	For the year Jan 1 - Dec	31, 2004, or other tax	year beginnin	g	, 2004, en	ding	, 20		OMB No. 1545-0	0074
Label	Your first name	•	Mi La	st name				Y	our social security nur	mber
(See instructions.)	ARTHUR		T F	LOWERS						
Use the	If a joint return, spouse's f	first name	MI La	st name				S	ouse's social security	number /
IRS label.	KATHRYN		S F	LOWERS				1		
Otherwise, please print	Home address (number an	nd street). If you have a	P.O. box, see	instructions.			Apartment	no.	▲ Importan	+1 🛦
or type.	3345 HABERSHA	AM RD							ou <b>must</b> enter yo	our social
	City, town or post office. If	you have a foreign add	ress, see instr	ructions.		State	ZIP code	s	security number(s	s) above.
Presidential	MONTGOMERY					AL	36109			
Election Campaign	Notes Chapleina P	Vaal will not abou						You	Spou	se
(See instructions.)	Note: Checking " Do you, or your s	spouse if filing a j	ge your ta: oint return	x or reduce y , want \$3 to	go to thi	na. s fund?		Yes	X No Yes	_
Filing Status	1 Single	·····		<u> </u>			<del></del>		ing person). (See	
Filing Status	2 X Married filin	ng jointly (even if only	one had inco	me)	_	instructi	ons.) If the qu	ualifying pe	erson is a child	
01 1		ng separately. Enter sp		•		name h	your depende	nt, enter t	his child's	
Check only one box.	name here .				5			lependent chi	Id (see instructions)	
<del></del>			laine						Boxes checked	
Exemptions	6a X Yourself.	If someone can o	dalm you a	is a depende	ent, <b>ao no</b>	ot cneck i	оох ба	; }	on 6a and 6b	2
	n kr spouse			(2) Deper			ependent's	(4) √ if	No. of children on 6c who:	
	c Dependents:			social se			ationship	qualifying	<ul><li>lived</li></ul>	
* <del>-</del>	(1) First nam			numb	er	1	to you	child for ch tax credit	did not	
	(I) FIISCHAIN	E La	st name	-				(see instre	live with you due to divorce	
								<del>                                     </del>	or separation (see instrs)	
16	-			1			<del></del>		— Dependents	
If more than four dependents,									on 6c not entered above .	
see instructions.							<u> </u>	$\perp$ $\sqcap$	Add numbers	
	<b>d</b> Total number	of exemptions cla	aimed						on lines above ►	2
	7 Wages, salarie	es, tips, etc. Atta	ch Form(s)	W-2				7	26	,122.
Income	8 a Taxable intere							8		1.
		nterest. <b>Do not</b> ind								
Attach Form(s)	9a Ordinary divid	ends. Attach Sch	edule B if r	required						
W-2 here. Also attach Forms	<b>b</b> Qualfd divs (see instrs)					9b				
W-2G and 1099-R	10 Taxable refunds, o									
if tax was withheld.		ved								
If you did not		me or (loss). Atta						-		<u> </u>
get a W-2, see instructions.	<ul><li>13 Capital gain or (los</li><li>14 Other gains or</li></ul>	ss). Att Sch D if read.						13	<del>                                     </del>	
see mad dedons.	15a IRA distribution		5a		h Tay		ount (see ins	trs) 15	h	
	16a Pensions and	<del>-</del>	6a		h Tax	able am	ount (see inst	trs) 16	<del></del>	
	17 Rental real est	· · · · · · · · · · · · · · · · · · ·		S corporation						
Enclose, but do		or (loss). Attach S								
not attach, any	19 Unemployment	t compensation				<i></i>				
payment. Also, please use	20 a Social security ben	nefits 2	0 a		_ <b>  b</b> ⊤ax	able am	ount (see inst	rs) <b>201</b>	0	
Form 1040-V.		T OPERATING				. <del>_</del>		21	-22,	345.
<u> </u>		nts in the far right				This is y	outotal incon	ne. ► 22	3,	778.
	·	nses (see instruct	•		<u> </u>	23				
Adjusted	24 Certain business ex	xpenses of reservists, Is. Attach Form 2106 o	performing ar	tists, and fee-ba	asis	24				
Gross Income		(see instructions)			<del></del>	24 25		00		
income							6	00.		
÷		nterest deduction ss deduction (see				26 27				
		account deduction				28	- · · · · · · · · · · · · · · · · · · ·			
		es. Attach Form 3				29				
	- ·	f-employment tax				30				
		health insurance			<u> </u>	31				
		SEP, SIMPLE, ar				32				
		y withdrawal of s				33				
	34 a Alimony paid b Re					34 a	<del></del>			
	35 Add lines 23 throug				<del></del> -			35	1	600.
	36 Subtract line 35	from line 22. Th	is is your <b>a</b>	djusted gros	s incom	e		► 36	3,	178.

# Case 2:07-cv-00971-MHT Document 3-15 Filed 10/29/2007 Page 39 of 42

Form <b>1040</b> (2004	ART	HUR T & KATHAYN S FLO	WERS						Page
Tax and		mount from line 36 (adjusted gro					-	37	3,178
Credits	<b>38a</b> C	heck _ You were born befor	e January 2	. 1940.	∏ Blir	id. Total box	<u>ه</u> د ا		. 3,170
	if:	Spouse was born be	fore January	, 2, 1940, I	Blir	nd. checked	► 38a		
Standard	<b>b</b> if	your spouse itemizes on a separ	ate return. c	r vou were :	— a dual-	status			
Deduction for —	L al	ien, see instructions and check h	ere						
<ul> <li>People who</li> </ul>		emized deductions (from Schedule A) or y						<b>39</b>	10,951
checked any boo	0	ubtract line 39 from line 37						40	-7,773
38b or who can	41 If	line 37 is \$107,025 or less, multip	oly \$3,100 b	y the total n	umber	of exemption	s claimed	5787	
be claimed as a	12 Ta	n line 6d. If line 37 is over \$107,0 exable income. Subtract line 41 from line	25, see the	worksheet ir	n the in	nstructions		. 41	6,200
dependent, see instructions.								42	0.
	43 Ta	x (see instrs). Check if any tax is from: a							0.
All others:	1	ternative minimum tax (see instru	_						<u></u>
Single or Married		dd lines 43 and 44						45	0.
filing separately, \$4,850		reign tax credit. Attach Form 111							
φ4,630		edit for child and dependent care expenses.					· · · · · · · · · · · · · · · · · · ·		
Married filing	1	edit for the elderly or the disabled					·		
jointly or Qualifying		lucation credits. Attach Form 886							
widow(er),	1				-	-			
\$9,700		tirement savings contributions cre			<del></del> -	<del>-</del>			
Head of		ild tax credit (see instructions)							
household,		option credit. Attach Form 8839.			-	ļ			
\$7,150	1	dits from: <b>a</b> Form 8396 <b>b</b> F	_				······································		
		ner credits. Check applicable box							
	ן מ ס				54				
		d lines 46 through 54. These are						55	
		btract'line 55 from line 45. If line							0.
Other		-employment tax. Attach Schedule SE						57	
Taxes		ial security and Medicare tax on tip income							
Tuxes		itional tax on IRAs, other qualified retireme vance earned income credit paym							
	61 Hot	usehold employment taxes. Attacl	ents nom r	UIII(S) W-Z.				61	<del></del>
		lines 56-61. This is your total tax							
Daymonta		leral income tax withheld from Fo					2,003.	02	0.
Payments		estimated tax payments and amount appli				<u> </u>	2,003.		
If you have a		ned income credit (EIC)							
child, attach		axable combat pay election   65			7 7				
Schedule EIC.		ss social security and tier 1 RRTA tax with		ctions)					
		litional child tax credit. Attach For							
		unt paid with request for extension to file (							
	69 Other	r pmts from: a Form 2439 b Fo	orm 4136 c	Form 8885	69				
Ne.	70 Add f	ines 63, 64, 65a, and 66 through 69.		_				70	2,003.
Refund		e 70 is more than line 62, subtract line 62	from line 70. Th	nis is the amou	nt vou ov	erpaid		71	2,003.
Direct deposit?		ount of line 71 you wantrefunded					<b> </b>	72a	2,003.
See instructions		ting number		c Type:	X Che	cking	Savings	(45) N	
and fill in 72b, 72c, and 72d,	► d Acco	ount number							
720, and 724.	73 Amou	int of line 71 you want applied to your 200	5 estimated ta	x	73				
Amount		unt you owe. Subtract line 70 from line 62.			e instruct	tions	<b>▶</b>	74	
You Owe		mated tax penalty (see instruction			75			CI.	4.0
Third Party		to allow another person to discuss this ret			<u> </u>	X	Yes. Comp	lete the f	ollowing. No
See!	Designee's	► Preparer		Phon			Pe	rsonal identi	
		es of perjury, I declare that I have examined	this return and	no.	chedules	and statements		mber (PIN)	ladas and
.9.,	belief, they ar	e true, correct, and complete. Declaration of	preparer (other	than taxpayer) i	s based	on all information	of which prepa	rer has any	knowledge.
<b>tere</b> loint return?	Your signat	rure	D	ate	Your oc	cupation		Daytime ph	none number
See instructions.	•				DISA	BLED			
беер а сору	Spouse's si	gnature. If a joint return, both must sign.	D	ate		s occupation			
or your records.	<u> </u>	·			MANA	GER			
-	Propagati-			Date	T		4	Preparer's	SSN or PTIN
aid 5	Preparer's ignature					Check if self-emplo	oyed A		
reparer's F	irm's name	Professional Tax, L	LC						
Ise Only 💃	or yours if elf-employed)	1711 Taliaferro Tra	il				EIN	63-127	74135
а	ddress, and IP code	Montgomery		AL	3611	7	Phone no.		396-3337

## SCHEDULE A (Form 1040)

Department of the Treasury Internal Revenue Service (99)

## **Itemized Deductions**

► Attach to Form 1040. ► See Instructions for Schedule A (Form 1040). OMB No. \$545-0074

Name(s) shown or	Form	1040		Your social security number	)
ARTHUR T	&	KATHRYN S FLOWERS			•
Medical		Caution. Do not include expenses reimbursed or paid by others.			
and Dental		Medical and dental expenses (see instructions)		,647.	
Expenses	1	2 Enter amount from Form 1040, line 37 2 3, 178.			
		3 Multiply line 2 by 7.5% (.075)		238.	
		Subtract line 3 from line 1. If line 3 is more than line 1, enter -0-		4	2,409.
	;	State and local (check only one box):	_	0.00	
Taxes You		a   Income taxes, or	5	860.	
Paid	e	b X General sales taxes (see instructions) S Real estate taxes (see instructions)	6	204	
		Personal property taxes		294. 16.	
(See instructions.)	8		46.144.1		
	Ī		8		
	9	Add lines 5 through 8		9	1,170.
Interest	10			458.	,
You Paid	11	Home mortgage interest not reported to you on Form 1098.			
		If paid to the person from whom you bought the home, see instructions and show that person's name, identifying number,			
		and address -			
(See					
instructions.)					
Note.			11		
Personal interest is		Points not reported to you on Form 1098. See instrs for spcl rules	12		
not	13	Investment interest. Attach Form 4952 if required.			
deductible.		(See instrs.)	13		
		Add lines 10 through 13		14	6,458.
Gifts to Charity	15	Gifts by cash or check. If you made any gift of \$250 or more, see instructions	15	253.	
If you made	16	Other than by cash or check. If any gift of \$250 or			
a gift and got a benefit		more, see instructions. Youmust attach Form 8283 if			-
for it, see				290.	
instructions.				260.	
	18	Add lines 15 through 17		18	803.
Casualty and Theft Losses	19	Casualty or theft loss(es). Attach Form 4684. (See instructions.)		19	
Job Expenses	20	Unreimbursed employee expenses— job travel, union dues,	<i>15-14</i>		
and Most Other	20	job education, etc. Attach Form 2106 or 2106-EZ if			•
Miscellaneous		required. (See instructions.) >			
Deductions					
		*	20.		
	21	Tax preparation fees	21	175.	
(See	22	Other expenses – investment, safe deposit box, etc. List			
instructions.)		type and amount 🛌			
			22		
	23	Add lines 20 through 22	23	L75.	
	24	Enter amount from Form 1040, line 37 24 3, 178.			
	25	Multiply line 24 by 2% (.02)	25	64.	
	26	Subtract line 25 from line 23. If line 25 is more than line 23, enter	-0	26	111.
Other	27	Other — from list in the instructions. List type and amount►			
Miscellaneous Deductions					
		( The second of		27	·
Total temized	28	Is Form 1040, line 37, over \$142,700 (over \$71,350 if MFS)?			
Deductions		Who was a substitute of the su		,	
		X No. Your deduction is not limited. Add the amounts in the far for lines 4 through 27. Also, enter this amount on Form 1	right column 3	28 1	0,951.
		Yes. Your deduction may be limited. See instructions for the a		1 20   1	U, 301.
					THE RESERVE AND ADDRESS OF THE PARTY AND ADDRE

Schedule A & B (Form 1040) 2004

OMB No. 1545-0074

Page 2

Name(s) shown on Form 1040.

Your social security number

ARTHUR T	& KA	ATHRYN S FLOWERS				
		Schedule B — Interest and Ordinary Dividends			(	08
Part I Interest (See instruction for Form 1040 line 8a.)		List name of payer. If any interest is from a seller-financed mortgage and the buyer used the property as a personal residence, see the instructions and list this interest first. Also show that buyer's social security number and address			Amoun	t1
Note. If you received a Form 1099-INT, Form 1099-OID, or substitute statement from a brokerage firm, list the firm's name as the payer and enter the total interest shown on that form.	t			1		
			1			
		Add the amounts on line 1	3	3		1.
		Subtract line 3 from line 2. Enter the result here and on Form 1040, line 8a	<b>&gt;</b> 4	1		1.
		If line 4 is over \$1,500, you must complete Part III.  List name of payer ▶	$\dashv$		Amount	
Part II Ordinary Dividends						
(See nstructions for Form 1040, ine 9a.)					~	
iote. If you eceived a Form 099-DIV or ubstitute statement rom a brokerage irm, list the firm's ame as the payer and enter the rdinary dividends			5			
hown on that form.						
•		Add the amounts on line 5. Enter the total here and on Form 1040, line 9a	6			
Part III oreign Accounts nd	foreign 7a/	nust complete this part if you(a) had over \$1,500 of taxable interest or ordinary dividends; on account; or (c) received a distribution from, or were a grantor of, or a transferor to, a fore At any time during 2004, did you have an interest in or a signature or other authority over a	ign tru finan	ust. 		No
rusts See	i f	in a foreign country, such as a bank account, securities account, or other financial account for exceptions and filing requirements for Form TD F 90-22.1	See	instruction	ns 🕒 🗀	
structions.)	8 [	During 2004, did you receive a distribution from, or were you the grantor of, or transferor to f 'Yes,' you may have to file Form 3520. See instructions	a for	eign trust	?	

Form 1040 Line 21

# **Other Income Statement**

2004 Statement

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Name(s) Shown on Return ARTHUR T & KATHRYN S FLOWERS Social Security Number

		(a) Taxpayer	<b>(b)</b> Spouse
1	Child's investment income, from Form 8814		
2	Gambling winnings:		
	From Form W-2G		
	Not reported on Form W-2G		<del></del>
3	Taxable income from Form 1099-MISC:		
a			
	Other income, prizes, awards, etc.		· · · · · · · · · · · · · · · · · · ·
	Alaska Permanent Fund		<del></del>
4	Taxable qualified tuition program distributions from		
•	Form 1099-Q		
5	Taxable Grants from Form 1099-G		
6	Taxable Coverdell ESA distributions from Form 1099-Q		
7	Foreign earned income and housing exclusion, from Form 2555		
8	Net operating loss carryover from a prior yearSEE.STMT	-11,173.	-11,172
9	Other income, from Schedule(s) K-1		
0	Taxable distribution from:		
а	Archer Medical Savings Accounts, and Long-Term Care		
	Insurance Contracts, from Form 8853		
b	Health Savings Accounts, from Form 8889		
1	Refunds or reimbursements of deductions claimed		
-	in a prior year:	*-	
а	Reimbursement for deducted medical expenses		-
b	Refunds of deducted taxes (other than state or local inc. taxes)		
	(enter type of tax)		
С	Recapture of deducted moving expenses		
	Reimbursement for deducted casualty or theft loss		
е	Reimbursement for deducted employee business expenses		
f	Other refunds or reimbursements		
2	Recoveries of bad debts deducted in a prior year		
3	Jury duty pay		
4	Partering income not reported elecubers		
5	Income from the rental of personal property		
3	Income from the Cancellation of Debt:		
а	From Form 1099-C, Amount of debt canceled (see Tax Help)		
	From Schedule(s) K-1 (see Tax Help)	•	
7	Other taxable income:		
			- 15.00 -
3	Total. Add lines 1 through 17. Enter here and on Form	}	
	1040. line 21	-11.173.	-11,172.

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257 St. Anthony Street P.O. Box 2394 Mobile, AL 36652 251-439-7400

Barry Friedman & Associates

Barry Friedman

## UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA AT MONTGOMERY

In re:
Arthur T. Flowers, Jr.,

Debtor.

MBNA America Bank, N.A.,

Plaintiff,

v.

Arthur T. Flowers, Jr.,

Defendant.

Bankruptcy Case No. 06-31560

ADV. NO. 07-03009

PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO DEFENDANTS

TO: Defendant, Arthur T. Flowers, Jr., and Defendant's attorney of record, Gail Donaldson:

#### **INTERROGATORIES**

In accordance with the Federal Rules of Civil Procedure, you are to fully answer, in writing under oath, each of the following Interrogatories, and return the completed set of original Interrogatories along with the answers to the undersigned attorney within thirty (30) days from the date these Interrogatories were served upon you. You are to answer in the spaces provided, inserting additional pages where necessary. You are also to verify or certify your answers under penalty of perjury in the location provided after the last Request For Production. These Interrogatories are continuing in nature until the time of trial, and any and all amendments to the answers provided are to be delivered to the undersigned attorney as soon as the information is either directly or indirectly available to you. Any information not supplied will be objected to at trial.

Each Interrogatory is required to be answered on the basis of your entire knowledge, including but not limited to all information in the possession of you, your directors, officers, agents, representatives, employees and attorneys. If any of the following Interrogatories cannot be answered in full, you are to answer to the fullest extent possible, specifying the

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reason for your inability to answer the remainder, and stating whatever information or knowledge you do have concerning the unanswered portion. If your answer is qualified in any way, please set forth the details of such qualification.

## REQUESTS FOR PRODUCTION OF DOCUMENTS

You are requested to produce any and all documents requested herein, and those documents referred to in your answers to the interrogatories within thirty (30) days following the date these requests were served upon you, no later than 2:00 p.m. in the law offices of Barry Friedman for purposes of inspection and copying or, in lieu thereof, to produce those same documents, or true and legible copies, within the same time-frame, by mail or other similarly reliable means to the law offices of Barry Friedman for purposes of inspection and copying.

All documents produced shall be set forth in the order kept in the ordinary course of business, and shall be labeled or otherwise specifically identified so as to correspond and be responsive to all appropriate answers to the Interrogatories and or Requests For Production. The Requests For Production shall be deemed to be continuing in nature, calling for prompt production by you of all documents which come into your possession, custody or control at any time prior to the conclusion of trial in this action, as well as all documents currently in your possession, custody or control.

## DEFINITIONS. PROCEDURES AND INSTRUCTIONS

- Agent: "Agent" means all persons, including but not limited to any representative 1. authorized to act on the behalf of, or for the benefit of, another person.
- "Balance transfer" means, without limitation, any event 2. Balance Transfer: whereby any debt on one credit card is satisfied by establishing a corresponding debt by cash advance, convenience check or otherwise on another credit card.
- Communication: "Communication" means a statement of any nature or descrip-3. tion, whether oral or in writing, in which information was transmitted between two or more persons.
- Convenience Check: "Convenience check" means any negotiable instrument 4. which enables the credit card holder to make purchases or payments and have the debt incurred appear as a balance owing on the credit card through which the instrument was provided.
- Date or Period: If you do not know the exact date or period, please supply an 5. approximation.

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"Document" means, without limitation, the original and all non-**Document:** identical copies, whether different from the original by reason of notations thereon or otherwise, and drafts of any kind or nature, regardless of origin or location, which pertain to the designated subject matter, and are now or were formerly in your actual or constructive possession, custody, care or control.

Without limitation of the term as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure it or a copy of it from the person or public or private entity which has actual possession of it. If a document is responsive to a request for identification or production, but it is not in your possession, custody or control, identify the person or entity that has possession, custody or control. If you do not have this information, state what disposition was made of the document, by whom, and the date or dates on which such disposition was made and why.

- Identification of Act: "Describe," "state," "identify" or any forms thereof, when 7. used in reference to an act (including an alleged offense), occurrence, contact, transaction, incident, decision, statement, communication or conduct (hereinafter collectively called "act") means to describe in substance the event or events constituting such an act, what transpired, the place and date and the identification of both all the persons involved and the documents relating or referring thereto.
- Identification of Documents: "Describe," "state," "identify," or any forms thereof, 8. when used in reference to a document, means to set forth, with respect to the original and each copy thereof, its title, or if untitled its nature (e.g., letter memorandum, telegrams, note chart, photograph, sound reproduction, computer printout, etc.), its date, the identity of the author, and, where different, the sender and signer. Also to be included are the identity of the person to whom the original document(s) or any copy was sent, the substance and description of the document sufficient to enable the party propounding these Interrogatories to request its production, the name and last known address of each person who has custody of the document. If it is no longer in your possession, custody, or control, state whether the document was lost, destroyed, or otherwise disposed of, and describe the surrounding circumstances, including your authorization and the date of such disposition. If you claim any privilege against disclosure of any of the above information with respect to any document, describe each such document sufficiently to allow the party propounding these Interrogatories to understand the nature and origin of the document and the reason(s) for the privilege claimed.
- Identification of Oral Communication: "Describe," "state," "identify," or any 9. forms thereof, when used in reference to an oral communication means to state the time, date, and place where the communication occurred, its nature and content, the identity of the individuals participating in or who heard it, and its substance.
- Identification of Persons: "Describe," "state," "identify," or any forms thereof, 10. when used in reference to an individual means to state the individual's full name,

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current business and residence addresses, present or last known business affiliation and position and dates so employed, and business affiliation and position at the time in question. When used in reference to an entity, the terms mean to state the type of entity, its official name or designation, and the principal place of business of such entity.

- Identification of Statement: "Describe," "state," "identify," or any forms thereof, 11. when used in reference to a statement means to quote or state as precisely as possible, the time, date, place, and medium through which it was published, and to identify the person or entity making the statement.
- 12. Or: For the purposes of these Interrogatories and Requests, "or" shall be construed either conjunctively or disjunctively to bring within the scope of these Interrogatories and Requests any information which might otherwise be construed to be outside their scope.
- 13. Order for Relief: Order for relief as used herein refers to the date you filed the petition under Chapter 7 of the Bankruptcy Code.
- 14. Person: "Person" means, without limitation, any and all entities including but not limited to all individuals, groups, associations, organizations, or businesses.
- 15. Relating To: For the purposes of these Interrogatories and Requests, "relating to" shall mean pertinent, relevant, or material to, evidencing, having a bearing on, or concerning, affecting, discussing, or otherwise dealing with the subject matter in any way whatsoever.
- Representation: "Representation" means a statement of any nature or description, **16.** whether oral or in writing, intended to influence another person.
- Statement: "Statement" includes, but is not limited to, each recordation of an 17. interview or communication with a witness, whether by a signed writing, recording, court reporter notes or document, or otherwise.
- 18. "Witness" means the name, address, and telephone number of each persons having knowledge of discoverable matters or the item in question.
- 19. Other Terms: The singular includes the plural, and vice versa. The masculine includes the feminine and neutral genders, and the past tense includes the present tense when the clear meaning is not distorted by the change of tense.
- Lack of Information: If you have no information about the subject of a particular **20.** Interrogatory or Request, or if for some reason you are unable to answer it, the response should specifically so state. No Interrogatory or Request should be left blank without some response. If you have some information but believe that further information which you know but is not available to you would also be responsive to

the Interrogatory or Request, you should provide the information you know have and specifically state when the balance of all information will be provided. If you cannot provide it all, you should provide the name of the person or entity that would be able to provide it. The fact that a full answer cannot now be given is not a basis for you to fail to provide such information as is currently available or known to you.

- 21. Privilege: Where an Interrogatory or Request calls for the information or identification of a document or communication which you claim as protected by any privilege or other limitation on disclosure, the answer to the Interrogatory or Request should state the existence of the information, communication, or document. It should also state each privilege or limitation claimed, with a summary of all facts and circumstances upon which the claim is based. You should not claim a privilege without also supplying the information above.
- 22. State Each and Every Fact: In providing answers to these Interrogatories and Requests, you are to state each and every fact (or forms thereof) pertaining to or supporting a particular event, allegation, contention, answer or set of facts. You are to fully set forth, describe, and identify each and every ultimate evidentiary fact (including but not limited to each and every, act, event, occurrence, omission, transaction, document, communication, and person involved) which you claim or contend constitute, support, or pertain to the particular allegation, contention, answer, or set of facts in question.

#### INTERROGATORIES

**INTERROGATORY No. 1:** Please state your age, educational background, and your employment history, including a brief summary of your particular responsibilities in each position held for the last five years.

#### **ANSWER:**

**INTERROGATORY No. 2:** Please list the addresses of any residence you have maintained during the five years prior to the filing of the order for relief.

#### **ANSWER:**

**INTERROGATORY No. 3:** Please identify all credit card accounts in your name or on which you were a signor within the year prior to filing the order for relief.

#### **ANSWER:**

**INTERROGATORY No. 4:** From those credit cards identified in response to Interrogatory No. 3, please identify each credit card to which you made any charges, including any and all retail charges, cash advances, balance transfers or convenience checks, in the twelve months preceding the filing of the order for relief.

#### **ANSWER:**

**INTERROGATORY No. 5:** Please identify from those credit cards listed in the preceding Interrogatories each credit card to which you made any payments within the twelve months preceding the filing of the order for relief, and the source of the funds used for the payment.

#### ANSWER:

**INTERROGATORY No. 6:** Were any charges, including convenience checks, cash advances, balance transfers, or any other charges on any of credit cards identified in any of the preceding Interrogatories incurred in or as a result of any activity related to gambling? If so, please identify the date and amount of these charges and the credit card they were charged to.

### **ANSWER:**

**INTERROGATORY No. 7:** Identify each expert or other individuals retained by you or your attorneys whom you expect to call as a witness at trial and, as to each, provide all information discoverable as set forth in FRCP 26(b)(4)(A)(i).

## ANSWER:

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**INTERROGATORY No. 8:** To the extent not identified in your answers to the preceding Interrogatories, please identify all individuals you intend to call as witnesses at trial, and provide a brief summary of the extent of the testimony of each such individual(s).

## **ANSWER:**

INTERROGATORY No. 9: Please provide the date on which you first consulted an attorney or other individual with expertise in bankruptcy matters and the name of the individual consulted.

#### **ANSWER:**

INTERROGATORY No. 10: Please identify the event or events which you believe did and/or may have directly contributed to your decision to file a petition in bankruptcy.

#### **ANSWER:**

INTERROGATORY No. 11: Please identify by parties, court and cause number any and all litigation in which you have been a party which resulted in the entry of a judgment against you or any community property in which you have an interest, including any litigation commenced after filing for relief.

#### **ANSWER:**

INTERROGATORY No. 12: Please identify by parties, court, and cause number any litigation in which you are currently involved but in which a judgment has not been rendered.

#### **ANSWER:**

**INTERROGATORY No. 13:** Identify each person who supplied part of the answers to these Interrogatories and Requests for Production and indicate the part(s) for which each is responsible.

**ANSWER:** 

REQUEST FOR PRODUCTION OF DOCUMENTS

**REQUEST FOR PRODUCTION No. 1:** Please produce any and all documents upon which the witnesses identified in your responses to the preceding Interrogatories intend to rely to lay a foundation for, establish, or prove evidence at trial.

**REQUEST FOR PRODUCTION No. 2:** Please produce any and all documents you intend to offer as exhibits at the time of trial and any documents, not privileged, that you may refer to in order to refresh your recollection in advance of or during trial.

**REQUEST FOR PRODUCTION No. 3:** Please produce copies of all monthly statements from the past two years for any and all accounts identified in your answers to the preceding Interrogatories.

**REQUEST FOR PRODUCTION No. 4:** Please produce all bank statements and check registers for the twelve months prior to the date of filing the order for relief which are related to any accounts held by you or the marital community.

Barry Friedman & Associates Barry Friedman 257 St. Anthony Street P.O. Box 2394 Mobile, AL 36652 Telephone: 251-439-7400

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#### UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA

In re: ARTHUR T FLOWERS JR Debtor.	Bankruptcy Case No 06-31560 Adv. No. 0607-03009
MBNA America Bank, N.A. Plaintiff, v. ARTHUR T FLOWERS JR Defendant,	DECLARATION OF PROOF OF SERVICE BY

## I, Barry A Friedman, declare as follows:

I am over the age of 18 and not a party to this action, and that on \_\_March 12, 2007, I sent by first class mail, postage prepaid, a true and correct copy of Plaintiff's First Set Of Interrogatories And Requests For Production To Defendants and a true and correct copy of Plaintiff's First Request For Admission To Defendant to the parties/attorneys listed below:

Arthur T Flowers Jr

3345 Habersham Road

Montgomery, Alabama 36109

Gail Donaldson

Attorney at Law

400 South Union Street

Montgomery, Alabama 36104

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ALABAMA THAT THE FORGOING IS TRUE AND CORRECT.

DATED IN MOBILE, AL THIS 12th day of March, 2007

Printed Name: Barry A Friedman

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1	REQUEST FOR PRODUCTION No. 5: Please produce copies of the two most recent
2	federal income tax returns filed for both your income and the income of your spouse.
3	Dated:
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5	Barry Friedman Attorney for Plaintiff
6	
7	Responses provided, 2007
8	Gail Donaldson
9	Attorney for Defendant
10	STATE OF
11	COUNTY OF) ss.
12	Arthur T. Flowers, Jr., being first duly sworn on oath, deposes and says: That
13	he/she is the defendant; that he has read the foregoing answers to Interrogatories, knows the
14	contents thereof and they are true and correct.
15	Arthur T. Flowers, Jr.
16	Defendant
17	SUBSCRIBED and SWORN to before me on the day of, 2007
18	
19	Notary Public in and for the State of
20	Residing at My commission expires
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## UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA AT MONTGOMERY

In re:

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Arthur T. Flowers, Jr.,

Bankruptcy Case No. 06-31560

Debtor.

MBNA America Bank, N.A.,

Plaintiff,

Arthur T. Flowers, Jr.,

Defendant.

Adv. No. 07-03009

PLAINTIFF'S FIRST REQUEST FOR ADMISSION TO DEFENDANT

TO: Defendant, Arthur T. Flowers, Jr., and Defendant's attorney of record, Gail Donaldson:

You are served with the original and one copy of the Plaintiff's First Request for Admission to Defendant pursuant to Federal Rules of Civil Procedure 36 and the Bankruptcy Rule 7036. These Requests will be deemed admitted unless, within thirty (30) days after service of these requests, a written answer or objection is addressed to the matter, and is signed by the party or by party's attorney. If objection is made, the reasons therefore shall be stated. Please type your responses in the space provided and, if necessary, add additional pages. Return the verified original of the completed Requests for Admissions to Barry Friedman, Barry Friedman & Associates, 257 St. Anthony Street, P.O. Box 2394, Mobile, AL, 36652 within 30 days after service of these requests upon you. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information of knowledge as reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.

## REQUESTS FOR ADMISSIONS

**REQUEST FOR ADMISSION NO. 1:** Admit that you applied for and received a credit card with Plaintiff under Account XXXXXX9921 (the "Account"). **RESPONSE:** 

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Exhibit D

1	REQUEST FOR ADMISSION NO. 11: Admit that at the time the charges were
2	incurred, you did not have the financial ability to repay them and remit current payments on all of your other unsecured debt and living expenses.  RESPONSE:
3	RESPONSE:
4	REQUEST FOR ADMISSION NO. 12 Admit that at all times during the period that
5	the charges were incurred on the Account, you knew and understood that you had insufficient income and financial resources to remit payments to Plaintiff and your various credit accounts and pay your other living and household expenses.
6	RESPONSE:
7	REQUEST FOR ADMISSION NO. 13: Admit that by accepting and using the cash
8	advances and/or convenience checks received from Plaintiff, you agreed to be bound by the terms and conditions under which the credit card was issued.
9	RESPONSE:
10	h <sub>m</sub>
11	Requests for Admission dated this 12th day of, 2007.
12	
13	Barry Friedman Attorney for Plaintiff
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Barry Friedman & Associates Barry Friedman 257 St. Anthony Street P.O. Box 2394 Mobile, AL 36652 Telephone: 251-439-7400

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# UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA

DECLARATION OF PROOF OF SERVICE BY
_

## I, Barry A Friedman, declare as follows:

I am over the age of 18 and not a party to this action, and that on \_\_March 12, 2007, I sent by first class mail, postage prepaid, a true and correct copy of Plaintiff's First Set Of Interrogatories And Requests For Production To Defendants and a true and correct copy of Plaintiff's First Request For Admission To Defendant to the parties/attorneys listed below:

Arthur T Flowers Jr
3345 Habersham Road
Montgomery, Alabama 36109
Gail Donaldson
Attorney at Law
400 South Union Street
Montgomery, Alabama 36104

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ALABAMA THAT THE FORGOING IS TRUE AND CORRECT.

DATED IN MOBILE, AL THIS 12th day of March, 2007

Printed Name: Barry A Friedman

23

24

## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

In re

Case No. 06-31560-WRS Chapter 7

ARTHUR T. FLOWERS,

Debtor

FIA CARD SERVICES NA,

Plaintiff

Adv. Pro. No. 07-3009-WRS

v.

ARTHUR T. FLOWERS JR.,

Defendant

## **ORDER**

On June 5, 2007, Defendant Arthur T. Flowers, Jr., filed a motion for summary judgment. (Doc. 22). Plaintiff FIA Card Services shall file its response not later than July 5, 2007. Defendant Flowers may file a reply not later than July 20, 2007. The Court will take the motion under advisement on July 20, 2007. Any party requesting oral argument on the motion shall make its request in writing filed not later than July 20, 2007.

Done this 6<sup>th</sup> day of June, 2007.

/s/ William R. Sawyer United States Bankruptcy Judge

c: Barry A. Friedman, Attorney for Plaintiff Gail Donaldson, Attorney for Defendant

# UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA MONTGOMERY DIVISION

IN RE:

ARTHUR T FLOWERS, JR.

Debtor,

CASE NO. 06-31560

CHAPTER 7

JUDGE WILLIAM R SAWYER

FIA CARD SERVICES, N.A. Plaintiff,

Vs.

Adv. Pro. No. 07-03009

ARTHUR T FLOWERS, JR. Defendant

## RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ON BEHALF OF FIA CARD SERVICES, N.A.

Now comes Plaintiff FIA Card Services, N.A., through counsel, and responds to the Defendant's motion as follows:

- 1. FIA Card Services, N.A. asserts that the debtor Arthur T Flowers, Jr. used the credit card with the actual subjective intent not to pay.
- 2. If a Creditor establishes that a debtor had an actual subjective intent not to pay, the debt is dischargeable because of the debtor's actual fraud.
- 3. The factual issue of the debtor's subjective intent cannot be determined by a Motion for Summary Judgment.
- 4. FIA Card Services, N.A. was substantially justified in commencing this action. WHEREFORE, FIA Card Services, N.A. asks this court to deny the

Defendant's motion because there is a question of material fact.

Dated: June 19, 2007

s/Barry A Friedman

Barry Friedman Associates
Attorney for FIA Card Services, N.A.

257 St. Anthony Street Mobile, Alabama 36652

(251) 432-2660

bky@bafmobile.com

# UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA MONTGOMERY DIVISION

IN RE:

ARTHUR T FLOWERS, JR.

Debtor,

CASE NO. 06-31560

CHAPTER 7

JUDGE WILLIAM R SAWYER

FIA CARD SERVICES, N.A Plaintiff,

Vs.

Adv. Pro. No. 07-03009

ARTHUR T FLOWERS, JR. Defendant,

#### PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACTS

- 1. FIA Card Services, N.A. has brought this Adversary Proceeding on the basis that the Defendant Arthur T Flowers, Jr. did not have the actual, subjective intent to repay the debt incurred through the use of the FIA Card Services, N.A. credit card.
- 2. That Arthur T Flowers, Jr. set forth in his schedules that he had a monthly income of \$ 2,970.14.
- 3. That Arthur T Flowers, Jr. set forth in his schedules that he had a monthly expenses of \$ 2,859.38.
- 4. That Arthur T Flowers, Jr. set forth in his schedules that he had unsecured debt totaling \$ 64,096.00.
- 5. That Arthur T Flowers, Jr. had \$ 110.76 each month for the payment of unsecured debt totaling \$ 64,096.00.

- 6. That Arthur T Flowers, Jr. set forth in his schedules that he had \$ 0.00 cash on hand when the bankruptcy was filed.
- 7. That Arthur T Flowers, Jr. set forth in his schedules that he had \$ 767.52 in his checking and savings account when the bankruptcy was filed.
- 8. That from August 16, 2006 until the entry of the Order for Relief 99 days later, the Defendant made no payments on the account.
- 9. The Defendant did not use any equity in real property to pay any portion of the debt.
- 10. On June 7, 2006, 70 days before obtaining the cash advance, the Defendant suffered cardiac arrest.
- 11. The Defendant is disabled and faces a serious medical condition.
- 12. The August 16, 2006 cash advance in the amount of \$ 4,000.00 represented 26.29% of the Defendant's income for the year 2006.
- 13. The Defendant set forth in his schedules that he was unemployed.

Dated: June 19, 2007

/s/Barry A Friedman

Barry Friedman & Associates

Attorney for FIA Card Services, N.A.

257 St. Anthony Street

Mobile, Alabama 36652

(251) 432-2660

bky@bafmobile.com

# UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA MONTGOMERY DIVISION

IN RE:

ARTHUR T FLOWERS, JR.

Debtor,

CASE NO. 06-31560

CHAPTER 7

JUDGE WILLIAM R SAWYER

FIA CARD SERVICES, N.A Plaintiff,

Vs.

Adv. Pro. No. 07-03009

ARTHUR T FLOWERS, JR. Defendant,

## BRIEF ON BEHALF OF FIA CARD SERVICES, N.A. IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

#### INTRODUCTION

FIA Card Services, N.A. has brought this action pursuant to 11 U.S.C. §523(a)(2)(A). FIA Card Services, N.A. specifically asserts that the Defendant used the FIA Card Services, N.A. credit card without the actual, subjective intent to pay the debt thereby incurred. Actual, subjective fraudulent intent may be inferred from specific factual allegations.

#### STATEMENT OF FACTS

On August 16, 2006, 99 days before the entry of the order for relief, Arthur T Flowers, Jr. utilized his FIA Card Services, N.A. credit card to obtain a cash advance in the amount of \$4,000.00. The cash advance represented 26.29% of the Defendant's income for the year 2006. After obtaining the cash advance the Defendant made no payments on the account.

The affidavit of the Defendant sets forth that on June 7, 2006, 70 days before obtaining the cash advance, the Defendant suffered cardiac arrest. The Defendant also set forth in his affidavit that he was disabled and set forth in the schedules that he was unemployed.

The Defendant set forth in his schedules that he had a monthly income of \$2,970.14 and monthly income of \$2,859.38 which leaves \$110.76 each month for the payment of unsecured debt totaling \$64,096.00 as set forth in the schedules.

The Defendant set forth in his schedules that he had \$ 0.00 cash on hand and that he had \$ 767.52 in his checking and savings account when the bankruptcy was filed.

The Defendant did not use any equity in real property to pay any portion of the debt.

## STANDARD FOR REVIEW

Summary judgment is appropriate where "there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c). We "view the evidence and all factual inferences therefrom in the light most favorable to the party opposing the motion" and "'all reasonable doubts about the facts [are] resolved in favor of the non-movant." *See Burton v. City of Belle Glade*, 178 F.3d 1175, 1187 (11th Cir. 1999) (quoting *Clemons v. Dougherty County*, 684 F.2d 1365, 1368-69 (11th Cir. 1982)). As we have explained, "'[t]he mere existence of a scintilla of evidence in support of the position will be insufficient; there must be evidence on which the jury could reasonably find for the [non-moving party].' In determining whether this

evidentiary threshold has been met, the trial court 'must view the evidence presented through the prism of the substantive evidentiary burden applicable to the particular cause of action before it.'" *City of Delray Beach v. Agricultural Ins. Co.*, 85 F.3d 1527, 1530 (11th Cir. 1996) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, at pp 252-255, 106 S. Ct. 2505, 2512-14 (1986)). Simply put, "'the plain language of Rule 56(c) mandates the entry of summary judgment . . . against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial."' <u>Id.</u> (quoting *Celotex Corp. v. Catret*, 477 U.S. 317, at pp. 322-323, 106 S. Ct. 2548, 2552-53 (1986)).

The statutory phrase "substantially justified" means justified in substance or in the main – that is, justified to a degree that could satisfy a reasonable person. This interpretation of the phrase accords with related uses of the term "substantial," and is equivalent to the "reasonable basis both in law and fact" formulation adopted by the vast majority of Courts of Appeals. *Pierce v. Underwood*, 487 U.S. 552 (1988)

## ARGUMENT

The matter is before the Court on the Defendant's Motion for Summary

Judgment. There is no dispute that Arthur T Flowers, Jr. used his FIA Card Services,

N.A. credit card to obtain \$ 4,000.00 on August 16, 2006. The question is whether

Arthur T Flowers, Jr. had an actual subjective intent, under the totality of the

circumstances, not to pay FIA Card Services, N.A. when he obtained the \$ 4,000.00.

Whether a debtor possessed an intent to defraud a creditor within the scope of

§ 523(a)(2)(A) is measured by a subjective standard, *see Field v. Mans*, 516 U.S. 59, 116

S. Ct. 437, 444 (1995).

Some courts have adopted a nonexclusive list of twelve facts to consider when determining whether a debtor intended to repay the debt. Ellingsworth v A.T.&T. Universal Card Services, (In Re Ellington), 212 B.R. 326, at pp 334-335 (Bankr. W.D. Mo. 1997); Citibank South Dakota, N.A. v Dougherty (In Re Dougherty), 84 B.R. 653, at p 657, (9<sup>th</sup> Cir. B.A.P. 1988).

These factors are: (1) the length of time between the charges made and the filing of bankruptcy; (2) whether or not an attorney has been consulted concerning the filing of bankruptcy before the charges were made; (3) the number of charges made; (4) the amount of the charges; (5) the financial condition of the debtor at the time the charges are made; (6) whether the charges were above the credit limit of the account; (7) whether the debtor made multiple charges on the same day; (8) whether or not the debtor was employed; (9) the debtor's prospects for employment; (10) financial sophistication of the debtor; (11) whether there was a sudden change in the debtor's buying habits; and (12) whether the purchases were made for luxuries or necessities. Citibank South Dakota, N.A. v. Dougherty (In re Dougherty), 84 B.R. 653, 657 (9th Cir. B.A.P. 1988) (citing Sears Roebuck and Co. v. Faulk (In re Faulk), 69 B.R. 743, 757 (Bankr. N.D. Ind. 1986)), abrogated on other grounds, Grogan v. Garner, 498 U.S. 279 (1991).

The Ninth Circuit, which decided *Dougherty*, supra, has recognized that the twelve-factor test has "been criticized because it does not consider all the common law elements of fraud, particularly misrepresentation and reliance." Citibank (South Dakota), N.A. v. Eashai (In re Eshai), 87 F.3d 1082, at p 1088 (9th Cir. 1996) (citing The GM Card v. Cox (In re Cox), 182 B.R. 626, 637 (Bankr. D. Mass. 1995)).

This Court has previously held:

Although a number of objective facts and circumstances may be relevant to determination of this intent, the ultimate factual issue is the debtor's subjective intent not to pay. This factual issue cannot be determined by a formulaic use of objective criterion and, critically, is quite distinct from the question of ability to pay.

FDS National Bank v Alam (In Re Alam), 314 B.R. 834, at p 841 (Bankr. N.D. Ga. 2004)

Clearly, debtors have an incentive to make self-serving statements and will rarely admit an intent not to repay. Thus, a debtor's intention \_ or lack thereof \_ must be ascertained by the totality of the circumstances. *Rembert v. AT&T Universal Card Servs.*, *Inc. (In re Rembert)*, 141 F.3d 277, 280-81 (6th Cir. 1998)*AT&T Universal Card Serv. Corp. v. Feld (In re Feld)*, 203 B.R. 360, 367 (Bankr. E.D. Pa. 1996). FIA Card Services, N.A. also contends that it was substantially justified in commencing and prosecuting this instant matter.

A position is substantially justified when it is "justified in substance or in the main'-that is, justified to a degree that could satisfy a reasonable person." *Pierce*, 487 U.S. at 565. Stated otherwise, a position is substantially justified when it has a "reasonable basis both in law and fact." *Id.* 

Pierce v. Underwood, 487 U.S. 552 (1988)

To find that FIA Card Services, N.A. was substantially justified in commencing the adversary proceeding the Court must find that a reasonable person would believe that the use of the credit card by the Defendant established under the totality of the circumstances that the Defendant did not possess a subjective intent not to repay the debt.

As the Court noted in *Rembert v AT&T Universal Card Services*, 141 F3d 277 (6th Cir. 1998), a debtor's intention, or lack thereof, must be ascertained by the totality of

the circumstances. As the Court noted in *Rembert. supra*, a debtor has an incentive to make self-serving statements and will rarely admit an intent not to repay. At what point can a reasonable person say FIA Card Services, N.A. had a reasonable basis in fact and law to commence the action. It is important to remember that we are concerned with a determination that FIA Card Services, N.A.'s position that the Defendant did not have a subjective intent to repay the debt was substantially justified.

#### **CONCLUSION:**

For the reasons stated Summary Judgment is not appropriate in this matter because Arthur T Flowers, Jr.'s use of the credit card involves a question of fact as to his actual subjective intent. It is a factual question for trial as to whether Arthur T Flowers, Jr did not intend to pay the debt to FIA Card Services, N.A. when it was incurred.

Respectfully submitted.

Dated: June 19, 2007

/s/ Barry A Friedman

Barry Friedman & Associates

Attorney for FIA Card Services, N.A.

257 St. Anthony Street

Mobile, Alabama 36652 (251) 432-2660

bky@bafmobile.com

## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA MONTGOMERY DIVISION

IN RE:

ARTHUR T FLOWERS, JR.

Debtor,

CASE NO. 06-31560

CHAPTER 7

JUDGE WILLIAM R SAWYER

FIA CARD SERVICES, N.A Plaintiff,

Vs.

Adv. Pro. No. 07-03009

ARTHUR T FLOWERS, JR. Defendant,

#### AFFIDAVIT OF CUSTODIAN OF BUSINESS RECORDS

- I, Yasemin Kabacaoglu, pursuant to 28 U.S.C. § 1746, declare, certify, verify and state under penalty of perjury that the foregoing is true and correct:
- I am the duly authorized custodian of the business records, or an otherwise qualified person as set forth in Federal Rule of Evidence 902(11), of FIA Card Services,
   N.A. and have authority to certify those records.
- 2. I made this affidavit from my personal knowledge and I am competent to testify on these matters.
- 3. The record attached was made at or near the time of the occurrence of the matters set forth therein by, or from information transmitted by, a person with knowledge of those matters.
- 4. The record attached was kept in the ordinary course of the regularly conducted activity of FIA Card Services, N.A..

- 5. The record attached was made by the regularly conducted activity as a regular practice of FIA Card Services, N.A.
- 6. The record is a true and correct copy of the Statement of Account for the FIA

  Card Services, N.A. credit card or line of credit for ARTHUR T FLOWERS, JR. for FIA

  Card Services, N.A. account xxxx-xxxx-xxxx-9921.

Sworn to this 19th day of June, 2007.

Print Name: Vasemin Kalbararajlu

Custodian of the Records for FIA Card Services, N.A. or person otherwise qualified

Glenn D Miller Notary Public In and for the State of New York

My Commission Expires: 11/27/2010

# UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA MONTGOMERY DIVISION

IN RE:

ARTHUR T FLOWERS, JR.

Debtor,

CASE NO. 06-31560

CHAPTER 7

JUDGE WILLIAM R SAWYER

FIA CARD SERVICES, N.A Plaintiff,

Vs.

Adv. Pro. No. 07-03009

ARTHUR T FLOWERS, JR. Defendant,

I hereby certify that on June 19, 2007, I electronically filed the foregoing Paper(s) with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Gail Donaldson, Attorney for Defendant

and I hereby certify that I mailed by United States Postal Service the Paper(s) to the

following non-ECF participants:

Dated: June 19, 2007

/s/Barry A Friedman

Barry Friedman & Associates

Attorney for FIA Card Services, N.A.

257 St. Anthony Street Mobile, Alabama 36652

(251) 432-2660

bky@bafmobile.com

# UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

In re Case No. 07–03009 BK Case No. 06–31560

FIA Card Services, N.A. et al v. Flowers et al

#### **NOTICE**

PLEASE TAKE NOTICE that a telephone hearing will be held

on August 14, 2007 at 09:00 AM

to consider and act upon the following:

22 – Motion For Summary Judgment Filed by Gail Donaldson on behalf of Arthur T. Flowers Jr.. (Attachments: # (1) Exhibit Exhibit A# (2) Exhibit Exhibit B# (3) Exhibit Exhibit C# (4) Exhibit Exhibit D) (Donaldson, Gail)

Each party desiring to be heard MUST CALL conferencing services at least 5 minutes prior to the commencement of court.

PHONE: **1–800–347–3350** CHAIRPERSON: William Livingston

You will be asked to provide the name of the chairperson and the name of the caller.

Conference calls may be amplified throughout the entire courtroom. During the conference call and especially while court is in session, please maintain proper telephone etiquette. Your cooperation is appreciated and will serve to expedite the hearing process.

- Do not place the phone on hold during the call as many companies utilize background music
- Do not conduct work such as paper shuffling or keyboard typing with an open line
- Do not address the court until called upon
- Maintain telephone silence while waiting and refrain from making unnecessary noise
- Mute telephone as applicable
- Follow conference coordinator instructions as provided

Your case will be called as soon as possible.

Dated: July 23, 2007

Richard S. Oda

Clerk, U.S. Bankruptcy Court

## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

In re Case No. 06-31560-WRS Chapter 7

ARTHUR T. FLOWERS,

Debtor

FIA CARD SERVICES N.A.,

Plaintiff Adv. Pro. No. 07-3009-WRS

v.

ARTHUR T. FLOWERS JR.,

Defendant

### ORDER CONTINUING TRIAL

It is ORDERED that the trial of this adversary proceeding presently "deep set" for September 24, 2007, is CONTINUED pending the court's ruling on the defendant's motion for summary judgment.

Done this 20<sup>th</sup> day of August, 2007.

/s/ William R. Sawyer United States Bankruptcy Judge

c: Barry A. Friedman, Attorney for Plaintiff Gail Donaldson, Attorney for Defendant

# UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

In re Case No. 06-31560

Chapter 7

ARTHUR T. FLOWERS,

Debtor.

FIA CARD SERVICES, N.A., Adv. Pro. 07-3009

Plaintiff,

v.

ARTHUR T. FLOWERS,

Defendant.

# **MEMORANDUM DECISION**

This Adversary Proceeding is before the Court upon the Motion for Summary Judgment filed by Defendant Arthur T. Flowers, Jr. (Doc. 22). Plaintiff FIA Card Services, N.A., opposes the motion. (Doc. 25). The Court heard the arguments of counsel on August 14, 2007. For the reasons set forth below, the Defendant's motion is GRANTED and the complaint is DISMISSED WITH PREJUDICE. The Court further finds that the position of Defendant FIA Card Services was not substantially justified and awards reasonable attorneys' fees to the Defendant. The Court will, by way of a separate document, enter judgment and will schedule filings for the allowance of attorney's fees.

### I. FACTS

Arthur T. Flowers, the Debtor in the underlying bankruptcy case and the Defendant in this Adversary Proceeding, filed a petition in bankruptcy pursuant to Chapter 7 of the Bankruptcy Code on November 22, 2006. (Case No. 06-31560, Doc. 1). Plaintiff FIA Card Services, Inc., alleges that it is owed \$23,367.49, and of that amount, \$4,000.00 was incurred on either August 16 or 17, 2006, which is either 97 or 98 days prior to the date of the petition.

(Doc. 1). FIA alleges that the \$4,000.00 should be excepted from the debtor's discharge on the basis of fraud. FIA makes no complaint as to the remaining \$19,367.49 that it alleges is owed.

Flowers submitted an Affidavit in support of his motion, the contents of which are not disputed by FIA. Flowers states that he had a cardiac arrest on June 7, 2006, and that his heart stopped for a few minutes. (Doc. 22, Ex. 1). Flowers swears that he had always paid his bills on time and that it was always his intention to repay his debts. <u>Id.</u><sup>2</sup>

Flowers filed Schedules with the Court reporting unsecured debts in the amount of \$64,096.00, none of which he reports as owing to Plaintiff FIA Card Services, Inc. (Case No. 06-31560, Doc. 1). FIA filed an Affidavit of Yasemin Kabacaoglu. (Doc. 25, Ex. 3). Kabacaoglu states that he is a custodian of records for FIA. He does not provide his business address, his title or even indicate whether he is a salaried employee or a contractor of some sort. Kabacaoglu states that the records of FIA indicate that it is owed money by Flowers. FIA does

<sup>&</sup>lt;sup>1</sup> Citations to documents filed in the main case are indicated with the case and document number, while citations to documents filed in this Adversary Proceeding are indicated only by the document number.

<sup>&</sup>lt;sup>2</sup> A search of this Court's database does not indicate any other bankruptcy filings by the Debtor.

not provide any evidence that it acquired the indebtedness owed by Flowers, or that Flowers or explain as to how it came to his creditor.

FIA did not appear at the meeting of creditors in Flowers bankruptcy case nor did it take his deposition here. There is no evidence in this Court's record that there was ever any contact between FIA and Flowers. For purposes of this motion only, the Court will assume that Flowers does in fact owe FIA the amount alleged. As the evidence does not indicate that any statements were ever made by Flowers to FIA, it follows that he could not have made a false statement. It is FIA's contention that Flowers nevertheless intended to defraud it, notwithstanding the absence of a statement. FIA's claim that Flowers intended to defraud it is based solely on the fact that it was not paid.

FIA argues that the Court should draw an inference that fraud is present based upon the fact that a \$4,000.00 cash advance was taken on August 16, 2006, which represents 26.29% of Flowers reported income for the year 2006. (Doc. 25, Ex. 2). Having calculated the percentage of Flowers' income and debt with such precision, it should be noted that FIA did not, at any time, ask Flowers what his income actually was, nor did they inquire as to the state of his health. Even if one were to presume that the use of a credit card is an implied representation as to the borrowers' intention to pay, under the facts of this case, FIA's total failure to make any effort to inquire into Flowers' personal and financial situation makes any reliance upon this implied representation both unreasonable and unjustified.

# II. LAW

# A. Jurisdiction

This is an Adversary Proceeding to determine whether a debt should be excepted from the Debtor's discharge, for fraud, pursuant to 11 U.S.C. § 523(a)(2). This Court has jurisdiction to hear this Adversary Proceeding pursuant to 11 U.S.C. § 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(I).

# **B.** Summary Judgment Standard

Summary judgment is only proper when there are no genuine issues of material facts and the moving party is entitled to judgment as a matter of law. See FED. R. CIV. P. 56, made applicable to Adversary Proceedings pursuant to FED. R. BANKR. P. 7056. Rule 56(c) provides: "The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." FED. R. CIV. P. 56(c). "When a party moves for summary judgment, the court construes the evidence and makes factual inferences in the light most favorable to the nonmoving party." Thomas v. Gulf Coast Credit Servs., Inc., 214 F.Supp.2d 1228, 1231 (M.D. Ala. 2002). The court does not "weigh the evidence to determine the truth of the matter, but solely determines whether there is a genuine issue for trial." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249-50 (1986).

The party seeking summary judgment "always bears the initial responsibility of informing the court of the basis for its motion, and identifying those portions of 'the pleadings,

depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,' which it believes demonstrate the absence of a genuine issue of material fact." Lancaster v. Phillips Investments, LLC, 482 F.Supp.2d 1362, 1364 (M.D. Ala. 2007) (quoting Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)). The movant can meet this burden by presenting evidence showing there is no dispute of material fact, or by showing the nonmoving party has failed to present evidence in support of some element of its case on which it bears the ultimate burden of proof. <u>Id.</u> (quoting <u>Celotex</u>, 477 U.S. at 322-23). "The plain language of Rule 56(c) mandates the entry of summary judgment ... against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." Johnson v. Board of Regents of Univ. of Ga., 263 F.3d 1234, 1243 (11th Cir. 2001).

The burden then shifts to the non-moving party to establish that there are material facts in dispute. Matsushita Elec. Indus. Corp. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986). "If the non-moving party fails to make a sufficient showing on an essential element of [his] case with respect to which [he] has the burden of proof, then the court must enter summary judgment for the moving party." Gonzalez v. Lee County Housing Auth., 161 F.3d 1290, 1294 (11th Cir. 1998) (quoting Celotex, 477 U.S. at 323).

# C. Fraud

FIA brought this Adversary Proceeding alleging that the debts owed to it by Flowers are non-dischargeable pursuant to 11 U.S.C. § 523(a)(2)(A). Section 523(a)(2)(A) of the Bankruptcy Code provides that a discharge in bankruptcy does not discharge an individual

Page 6 of 9

debtor from debts "for money, property, services, or an extension, renewal, or refinancing of credit, to the extent obtained by – false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's . . . financial condition." 11 U.S.C. § 523(a)(2)(A). In order to prevail under that section, the creditor must prove the following elements:

- (1) The debtor made false representations with the intent to the defraud the creditor;
- (2) The creditor justifiably relied on the false misrepresentations; and
- (3) The creditor sustained a loss caused by the debtor's misrepresentations.

Fuller v. Johannessen (In re Johannessen), 76 F.3d 347, 350 (11th Cir. 1996); see also, Overly v. Guthrie (In re Guthrie), 265 B.R. 253, 258 (Bankr. M.D. Ala. 2001); Lee v. Lambert (In re Lambert), 2006 WL 3742243 (Bankr. M.D. Ala. Dec. 18, 2006). It is well established that exceptions to discharge are narrowly construed in the debtor's favor. See Gleason v. Thaw, 236 U.S. 558, 562 (1915); Schweig v. Hunter (In re Hunter), 780 F.2d 1577, 1579 (11th Cir. 1986). As it is undisputed that no express representation was made by Flowers to FIA, it follows that the elements of a traditional fraud claim are not established.

The United States Court of Appeals for the Eleventh Circuit has not handed down a decision dealing with the dischargeability of a credit card debt in more than 20 years. First National Bank of Mobile v. Roddenberry, 701 F.2d 927 (11th Cir. 1983). While Roddenberry was decided under the Bankruptcy Act, rather than the Bankruptcy Code, its holding is still binding on lower courts as section 17a of the Act is nearly identical to section 523(a)(2)(A) of the existing Bankruptcy Code.<sup>3</sup> Therefore, Roddenberry is still good law.

<sup>&</sup>lt;sup>3</sup> Section 17a [Bankruptcy Act of 1898] provides that "[a] discharge in bankruptcy shall release a bankrupt from all of his provable debts, whether allowable in full or in part, except

The Eleventh Circuit, in Roddenberry, held that:

[W]e hold that the voluntary assumption of risk on the part of a bank continues until it is clearly shown that the bank unequivocally and unconditionally revoked the right of the cardholder to further possession and use of the card, and until the cardholder is aware of this revocation. A card issue, acting upon it own judgment, may elect to continue to extend credit; it shall be presumed to do so until clear revocation has taken place. Only after such clear revocation has been communicated to the cardholder with further use of the card result in liabilities obtain by "false pretenses or false representations" within the meaning of section 17a(a)'s [now 523(a)(2)(A)] exemption from discharge. It is more than an intentional concealment of insolvency; it is an affirmative misrepresentation that one is entitle to possess and use the card.

Document 3-26

Id. at 932. The evidence here is undisputed. No revocation was made at any time by FIA. It follows that FIA has failed to establish a factual basis to support its claim of nondischargeability. Implicit in FIA's argument is that Flowers knew or should have know that he could not repay the money and therefore should not have borrowed, even though it was willing to lend. Flowers filed an affidavit setting out that it was his intention to repay FIA, and that affidavit was not rebutted by any evidence. Thus, even if FIA's legal contention was correct (which it is not), it still does not have any evidence to support its claim.

The decision of the Eleventh Circuit in Roddenberry is inconsistent with the "implied representation" theory advanced by FIA here. Indeed, FIA would place the burden of

such as . . . (2) are liabilities for obtaining money or property by false pretenses or false representations." 11 U.S.C. § 35a(2) (repealed 1978).

Section 523(a)(2)(A) [Bankruptcy Code of 1978] excepts from discharge those debts "for money, property, services, or an extension, renewal, or refinancing of creditor to the extent obtained, by-(A) false pretenses, a false representation, or actual fraud." 11 U.S.C. § 523(a)(2)(A).

underwriting its lending to its borrowers. If they "failed" to protect the lender, their penalty would be nondischargeability. If the theory of liability advanced by FIA were to be accepted, the idea of an exception to discharge would be swallowed up by this new duty imposed upon the debtors. Indeed, it would appear that virtually any credit card debt would become nondischargeable under this theory.

### D. Attorney's Fees

Section 523(d) shifts attorney's fees in those instances where a creditor requests a determination of dischargeability under section 523(a)(2) and the debtor prevails. Attorneys' fees are to be awarded to a debtor who prevails unless the position of the creditor was "substantially justified" or "special circumstances would make the award unjust." 11 U.S.C. § 523(d). As the creditor in this case has no evidence of fraud, its position is not substantially justified. Moreover, there are no "special circumstances" present here which should preclude an award of attorney's fees. Indeed, it appears that the Debtor here is the quintessential "honest but unfortunate" debtor who should receive the benefit of his discharge. It appears that the Debtor used his best efforts to repay his creditors and would have done so but for his extraordinarily serious health problems. The Creditor here has alleged fraud without any basis in fact, but also without making any attempt to learn the facts of this case. This is an appropriate case for an award of attorney's fees.

# **III. CONCLUSION**

The evidence here is not in dispute. Plaintiff FIA has no evidence of fraud, indeed it has not even attempted to obtain any evidence. It has simply alleged fraud with no basis in fact. For this reason, the Defendant's motion for summary judgment is GRANTED. Moreover, the Court will award attorney's fees. The Court will enter judgment by way of a separate document and will provide a schedule for the filing of a request for attorney's fees by way of a separate order.

Done this the 26<sup>th</sup> day of September, 2007.

/s/ William R. Sawyer United States Bankruptcy Judge

# UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

In re Case No. 06-31560

Chapter 7

Page 1 of 1

ARTHUR T. FLOWERS,

Debtor.

FIA CARD SERVICES, N.A., Adv. Pro. 07-3009

Plaintiff,

v.

ARTHUR T. FLOWERS,

Defendant.

# **JUDGMENT**

For the reasons set forth in this Court's Memorandum Decision of this date, the Defendant's motion for summary judgment is GRANTED. The Plaintiff's complaint is DISMISSED WITH PREJUDICE. The Court will retain jurisdiction to award attorney's fees to the Defendant.

Done this the 26th day of September, 2007.

/s/ William R. Sawyer United States Bankruptcy Judge

# UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

In re Case No. 06-31560

Chapter 7

ARTHUR T. FLOWERS,

Debtor.

FIA CARD SERVICES, N.A.,

Adv. Pro. 07-3009

Plaintiff,

v.

ARTHUR T. FLOWERS,

Defendant.

# **ORDER**

For the reasons set forth in this Court's Memorandum Decision, attorney's fees are awarded to the Defendant. Counsel for the Defendant shall file an affidavit setting forth is fees within 15 days. Plaintiff may file a response within 15 days thereafter. The Court will take the matter under submission.

Done this the 26<sup>th</sup> day of September, 2007.

/s/ William R. Sawyer United States Bankruptcy Judge Barry Friedman Barry Friedman & Associates 257 St. Anthony Street P.O. Box 2394 Mobile, AL 36652 Phone: 251-439-7400

# UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA AT MONTGOMERY

In re:	
Arthur T Flowers, Jr.,	
Debtor.	
FIA Card Services, N.A.,	
Plaintiff,	
V.	
Arthur T Flowers, Jr.,	
Defendant.	

Bankruptcy Case No. 06-31560

ADV. NO. 07-3009

NOTICE OF APPEAL TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA AT MONTGOMERY

FIA Card Services, N.A., the Plaintiff, appeals under U.S.C. § 158(a) to the United States District Court for the Middle District of Alabama at Montgomery from the Judgment of the United States Bankruptcy Court for the District of Utah entered in this case on September 26, 2007, granting the Defendant's Motion for Summary Judgment and separate Order awarding attorney fees.

The names of all parties to the judgment, order or decree appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

FIA Card Services, N.A.

Arthur T. Flowers, Jr.

Barry Friedman

Barry Friedman & Associates

257 St. Anthony Street P.O. Box 2394

Mobile, AL 36652

Gail Donaldson

Bond, Botes, Shinn & Donaldson, PC 400 South Union Street, Ste. 230

Montgomery, AL 36104

s/Barry Friedman

Barry Friedman

Barry Friedman & Associates

257 St. Anthony Street

P.O. Box 2394

Mobile, AL 36652 Phone: 251-439-7400

bky@bafmobile.com

If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appleaant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal. Any other party mau elect, within the time provided in 28 U.S.C. §158(c) to have the appeal heard by the district court.

If a child support creditor or its representative it the appellant, and if the child support creditor or its representative files the form specified in §304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

# UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF ALABAMA AT MONTGOMERY

In re:	Bankruptcy Case No. 06-31560	
Arthur T Flowers, Jr.,	Building Susservo. 00 51500	
Debtor.		
FIA Card Services, N.A., Plaintiff,	ADV. NO. 07-3009 CERTIFICATE OF SERVICE	
v.		
Arthur T. Flowers, Jr.,  Defendant.		
I hereby certify that on October <u>\$</u> _, 2007	I electronically filed the foregoing	
Notice of Appeal with the Clerk of the Court using	the ECF system which will send	
notification of such filing to the following:		
Gail Donaldson, Attorney for Defendant		
And I hereby certify that I mailed by United States I	Postal Service the Notice to the	
following non-ECF participants:		
Barry F Barry F 257 St. P.O. Bo Mobile Phone:	y Friedman Griedman & Associates Anthony Street ox 2394 c, AL 36652 251-439-7400 pafmobile.com	